STATE DEPARTMENT'S POLICY REGARDING BLIND APPLICANTS TO THE FOREIGN SERVICE

BRIEFING

BEFORE THE

COMMITTEE ON POST OFFICE AND CIVIL SERVICE HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

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BRIEFING ON DEPARTMENT OF STATE'S POLICY REGARDING BLIND APPLICANTS TO THE FOREIGN SERVICE

WEDNESDAY, FEBRUARY 1, 1989

House of Representatives,
Committee on Post Office and Civil Service,
Washington, DC.

The committee met, pursuant to call, at 9:30 a.m., in room 311, Cannon House Office Building, Hon. Gerry Sikorski presiding.

Mr. Sikorski. The committee will come to order.

Since the Post Office and Civil Service Committee is not yet officially organized for the 101st session of Congress, this is a public briefing organized for its members. I have requested and received authorization from Chairman Ford to conduct these proceedings, which will be recorded. The full committee will be requested to authorize the printing of the transcript once we officially organize.

We have scheduled this briefing to examine the Department of State's hiring policy regarding blind individuals who seek entry into the Foreign Service. In recent years, the Department has provided readers to assist blind applicants for a Foreign Service Officer position. Exams were also provided in braille.

However, as we will hear later from some of our panelists, blind individuals who successfully passed both the written and oral portions of this very difficult exam were nevertheless denied entry into the Foreign Service for subsequently failing the Department's physical examination. That examination requires "visual acuity."

Concerns about these policies date back to at least 1975. In 1982, a complaint was filed against the State Department with the Equal Employment Opportunity Commission—the EEOC—and in 1987 the EEOC completed a staff report which highlighted the Department's contradictory hiring and testing policy: opening the door to opportunity, equality and hope with one hand; closing that door with the other.

The EEOC report concluded, and I quote, "It would be unwise for the Department of State to conduct a recruitment program that would raise false expectations of handicapped individuals hoping to enter the Foreign Service." It went on to add, "Recruitment that leads to exclusion based on handicap will increase the possibility of discrimination complaints."

The report recommended that the Department modify its recruitment program to comply with the Foreign Service Act of 1980 as well as the Rehabilitation Act of 1973, as amended, with respect to hiring, placement, and advancement of handicapped individuals.

Now we see that instead of opening doors to the Foreign Service, the Department of State installed a dead bolt lock. Instead of changing the medical requirements or examining the practical application of the Department's so-called "worldwide availability" policy, the Department decided that it would no longer provide the exam in braille, blind applicants would not be permitted to use readers, and any blind people who made it through the test would still be washed out on the physical exam.

These practices are reported, even though blind people have honorably served our government and the citizens of the United States in highly sensitive areas—the Peace Corps, the civil branches of the Armed Services, and even the Foreign Service. A "kinder, gentler nation"?

This morning our distinguished group of panelists includes the Honorable Tom Campbell of the State of California, several very talented blind individuals who have or will be affected by the Department's policy, Commissioner Kemp of the Equal Employment Opportunity Commission, and representatives from the Department of State. All of these people are here to help us understand and examine the needs of the Foreign Service and those of qualified blind applicants who seek entry into the ranks to represent our country overseas. We thank all of them for being with us this morning.

It is the tradition and almost a requirement that we begin with Members of Congress. With us this morning, at his request and at the subcommittee's great appreciation, is Tom Campbell, Member of Congress from California. Welcome.

STATEMENT OF HON. TOM CAMPBELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CAMPBELL. Mr. Chairman, thank you very much. It is a pleasure to be here. My name is Tom Campbell. I am the newly-elected Congressman from Silicon Valley, California.

But more important for today's purposes, Mr. Chairman, I am an 18-year veteran reader for recording for the blind. That's what I want to talk to you about this morning.

In the course of those 18 years, I have worked with blind people in very many different ways as they obtain information to carry on their functions. I have worked with students at Harvard Law School. We used an Optacon to scan; not involving another person, but allowing them to read as though they had sight.

I have worked with readers for Georgetown Law School trying to help them get their law degree, and assisted them as they became lawyers and succeeded in the Federal practice.

As a professor at Stanford, occasionally I would teach blind students, and I had the opportunity to teach economics. I have a Ph.D. in that field. The question arose, could a blind student manage the supply and demand graphs. With just a little accommodation, the answer is "you bet." All it takes is to trace the graphs on the palm of the student's hand. I did that after every lecture.

Mr. Chairman, on the basis of those 18 years experience working with blind persons, the one thing I am most sure of is that there is nothing a blind person cannot do, except see.

I have a personal reason for appearing here today as well. In 1980, I had the high honor to be a White House Fellow. In that class was Hal Krents, the first White House Fellow who was blind. Hal Krents had epilepsy and he could not see. Nevertheless, he became a lawyer, a songwriter, a playwright. His life was the inspiration for "Butterflies are Free." He wrote the screen play for "To Race the Wind."

Hal was appointed to the White House—and I think his experience is particularly important as this committee investigates this most important area, to explore exactly how he managed to succeed so very well. He was assigned to Elizabeth Dole, Mr. Chairman. I think it might be useful to ask Secretary Dole now how she was able to use Hal Krents effectively, working in the White House Office of Public Liaison.

As his colleague White House Fellow, let me tell you that there was no more productive, efficient, member of our White House Fellows class than Hal Krents.

You will hear arguments about the importance of keeping confidentiality in the State Department and how difficult it is to have outside readers. I think all of those arguments apply in the White House as well, and yet Hal Krents succeeded.

Mr. Chairman, two years ago Hal Krents passed away. When he did, I made a silent pledge, as a number of my fellow White House fellows did, that whenever any of us had the chance to speak at a circumstance where we knew Hal would have spoken that we would do so. I am here today to redeem that pledge. I am here today as Hal would have had he been here. Even more importantly, we are all here today to redeem America's pledge: that the best message we can send to the other countries of this world, through our diplomats, is that America is a country where any obstacle can be overcome. That is a message which will be sent by reversing the State Department policy.

Mr. Chairman, I applaud your holding these hearings. I urge you and all Members of Congress not only to put as much influence as we can upon the State Department to change this particular policy, but to come to the personal recognition of the vision impaired segment of our population as I have, and come to that realization that there is nothing they can't do.

Thank you, Mr. Chairman.

[The statement of Mr. Campbell follows:]

STATEMENT OF THE HONORABLE TOM CAMPBELL
BEFORE THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE
February 1, 1989

I am grateful to the Committee for their indulgence in allowing me to make an appearance today. When I first read of the State Department's policy in the case of Avraham Rabby, I was shocked. There appeared to be no consideration of the individual merits of Mr. Rabby, only the fact that he was blind. It is a tragedy that, in choosing the representatives of our country to foreign nations, we would apply such a prejudice. The message America should be sending is that individuals are chosen on the basis of their intrinsic worth, and that any obstacle, even blindness, can be overcome in the United States. What a powerful message that is to send to the other nations of the world. Among all the ambassadors the United States has sent around the world, two stand out most in my mind. One is Ralph Bunche, who showed that America's commitment to the United Nations knew no discrimination on the basis of race. The other was Helen Keller who, though an unofficial ambassador, achieved a record of inspiration unexcelled by any official ambassador.

I appear before you today for a personal reason. I had the high honor of being a White House Fellow in 1980; in my class was the first blind White House Fellow, Hal Krents. Hal was remarkable. He was blind and suffered from epilepsy, but he became a lawyer, songwriter and playwright. His story was the basis for "Butterflies are Free; " he wrote the script for "To Race the Wind." Hal passed away two years ago. But his memory is strong with all who knew him. No one who saw Hal compete for the White House Fellowship, or witnessed his work for Elizabeth Dole in the White House, had the slightest doubt about his ability not only to do the work required, but to excel at it. When Hal died, I made a promise to speak as often as I could where I knew that Hal would have spoken, had he lived. If Hal were alive, I have no doubt that he would be here today.

In a very small way, I'm appearing here today for Hal, and also for the hundreds of blind students for whom I have been a reader under Recording for the Blind for the last eighteen years--for a fellow Harvard Law School student with whom I studied and for Georgetown law students for whom I read while I was a law clerk. And as a professor teaching economics at Stanford University, I used my finger to draw graphs on the palms of blind students, since they could not see the blackboard to understand the supply and demand curves. Each experience has brought me even more fully into the realization that there is nothing a blind person cannot do, except see.

I commend the committee for today's briefing. I urge all its members, and all who hear these words, to volunteer some of their time to Recording for the Blind, or other institutions, so as to know blind people on a personal basis. And when you do, you will know, as I do, that the only real handicap is the prejudice imposed by sighted persons.

Hal Krents, today I redeem my pledge. Secretary Baker, I sincerely hope that you are listening. This policy must change; America is better than that.

Mr. **Sikorski**. Thank you, Congressman Campbell.

Let me, for the record, introduce you as a new Member of the 101st Congress. You have taken a leave of absence from your duties at Stanford University where you have taught for 17 years, I believe?

Mr. **Campbell**. I taught there for only 6½. I had to learn of something before I could teach. [Laughter.]

Mr. **Sikorski**. You come here as a new Republican Member of the House of Representatives. You served as a White House Fellow, as you mentioned in your statement. You have a Ph.D. in economics. You have specialized in part in discrimination—law in discrimination economics. You have been a reader for recording of the blind for 18 years.

Your statement says a whole lot about the issue that we're dealing with here today. We thank you for your assistance. We ask that you join us up here, if you would like, if your schedule permits, as we go about this briefing this morning.

Mr. **Campbell**. I would be pleased to, Mr. Chairman, if I can come up.

Mr. **Sikorski**. Thank you.

Mr. **Campbell**. Thank you.

Mr. **Sikorski**. Apparently there have been some miscommunications as to who is going when and what this proceeding is today. Let me introduce for the record copies of letters of January 25, 1989 to Mr. Charles Stout, United States Department of State, and to Mr. Sheldon Yuspeh, U.S. Department of State, who will be on the second panel.

The first panel—because apparently State Department rules don't allow them to appear with any citizens, just citizens, we are going to start the first panel with Mr. Avraham Rabby, who is a Human Resources Consultant.

I had occasion last night to read over your statement, which is exceptional and of great value. However, it's also very long. I would ask that you summarize the high points for us this morning. We are beginning with you so that you can set the stage as to how we got here this morning.

Mr. Rabby passed the written portion of the Foreign Service exam three times and the oral exam twice; yet has been denied entry into the Foreign Service as an officer despite his qualifications. As I recall, you speak four languages and have been in international issues for a long time. You currently manage your own consulting firm which helps disabled individuals find employment.

You were born in Israel; lived in England for 15 years; also lived in Paris and Madrid. Mr. Rabby received a B.A. honors degree in French and Spanish from Oxford University, England, a masters degree in business administration from the University of Chicago, and has been a Fulbright Scholar.

Welcome, Mr. Rabby.

STATEMENT OF AVRAHAM RABBY, HUMAN RESOURCES CONSULTANT

Mr. **Rabby**. Thank you, Mr. Sikorski.

Let me begin by giving a very brief account of my involvement with the State Department. After which I shall analyze point by point the five principal arguments which the State Department has advanced during the last two or three months as to why they believe blind people cannot or should not be employed in the Foreign Service.

In December 1985—that is to say, within the last three years or so, I have taken the written exam for the Foreign Service a total of three times, passed them all, and did so with the help of braille papers provided by the State Department as well as an amanuensis provided by the State Department to mark down my answers.

In addition, I have taken the oral assessment twice; again using, for those examinations, a reader and an amanuensis, also provided by the State Department.

I have also been granted a security clearance by the State Department's Diplomatic Security Office.

In October 1986, I went for my medical examination, and during the middle of my examination the State Department doctor read to me a paragraph from his Medical Standards Manual, which said that any candidate having any kind of serious loss of vision—not to mention someone who is totally blind as myself—that was in itself a cause for rejection and disqualification on medical grounds.

In November of 1988, just three months ago, I was about to sit for my third oral assessment when three days before the time came I received notification from the State Department saying that their policy had changed and they were no longer going to provide me nor would they let me bring my own reader for the oral assessment.

Let me, as I said, go through the five principal points—the arguments that they have made. First of all, let's deal with the issue of worldwide availability. The State Department seems to make a distinction between blind people on the one hand and sighted people on the other. They seem to say that sighted people can and should be obligated to serve worldwide and that blind people cannot be obligated to serve worldwide.

Mr. Chairman, I, as well as my colleagues in this room, reject that kind of distinction. And also we reject any thought of relaxing the principle of worldwide availability in order to so-called accommodate the needs of blind people. We do not believe that blind people need or should have the principle of worldwide availability relaxed for them.

The fact is that while the State Department would like to think that at no more than a moment's notice it can shift its Foreign Service Officers from one place in the world to another, the reality is that they go through a very laborious and very correct and careful process of analyzing the characteristics of each Foreign Service Officer and his or her applicability and suitability to a particular location and a particular position. This may vary according to the FSO's education, experience, family involvement, languages spoken—even very often to the desires of the FSO himself or herself.

They do this because Foreign Service Officers are not like Fords and Chevrolets that roll off the assembly line, each one identical with the other; each FSO has his own, or her own, uniquenesses, strengths, weaknesses, and so on. We believe that blind people—in the case of blind people, blindness should be just one more of those characteristics that should enter into the mix of the decisionmaking process as to where you would place a blind Foreign Service Officer.

On to the second point: the use of reader assistance. It has already been mentioned this morning that blind people have at their disposal mechanical means for reading. The State Department has said that it would require blind people at posts abroad to read material—particularly classified material—independently. And it says that mechanical means are available for blind people to do that.

Let me tell the subcommittee, please, some truths about the technology that is now available. It is true that there is technology, such as the Optacon mentioned by Congressman Campbell, and the Kurzweil Personal Reader, to enable blind people to read print. However, these machines are limited in their scope and value. They do not read certain print types, and the Optacon particularly is extremely slow. A blind person using it can't read more than 50 or 60 words a minute usually. The Kurzweil Personal Reader is hardly an easily portable piece of equipment. So there are very definite limitations to them.

All blind professionals and management level people, both in the public and private sector, have recognized that although these machines have a useful purpose to perform, that there is nothing that beats a competent human reader to make one fully efficient and speedy and competent on the job. What we are looking for in employment in the Foreign Service is not so much independence, because none of us is truly independent, but rather, efficiency and competence and speed and productivity on the job.

The third point has to do with the issue of security and personal safety on the job. There is absolutely no evidence to suggest that blind people in proportional numbers are any more prone to accidents and hazards than sighted people are. We know this. The National Federation of the Blind has conducted studies with the insurance industry to demonstrate that.

But beyond that, we need to talk about the social benefits involved in employment of blind people. Let me take the analogy of women Foreign Service Officers as an example. If personal safety and security were the overriding and paramount factor in the employment of FSOs, women FSOs would not be employed, since as a group women are less strong than men, women are less fast than men, as a group.

Mr. SIKORSKI. I don't know if you will be able to prove that. I doubt that.

Mr. RABBY. I don't see any other reason why men and women are separated in the Olympic Games or in sports, for example, only for that reason.

Mr. SIKORSKI. Probably for the same reasons that you have been separated out. It has to do with people's prejudices and biases.

Mr. RABBY. The times don't show that, Mr. Chairman. The times were running and jumping and so on.

Mr. SIKORSKI. I expect that that will change too. [Laughter.]

Mr. RABBY. In any case, women still are hired by the Foreign Service because presumably it believes that the social benefit from employing women FSO's and demonstrating to the world the equality and respect with which we treat women in this country outweighs any security consideration, where we believe that blind people should be given exactly the same consideration and treatment.

The fourth point has to do with blind people operating in unfamiliar settings and cultures. It is really amazing to me and to my colleagues in this room that this point should be brought up at all. The State Department only had to look for leadership on this issue to the Peace Corps, which has for years employed, as volunteers, blind people in all parts of the world in unfamiliar settings and cultures, and done so very, very effectively.

We have people in this room to whom this room itself was an unfamiliar territory until this morning, and yet we managed to arrive here and find our seats; and we shall leave here. And there's no reason to believe that we couldn't do it in France or China or Japan, or any other country.

Finally, the fifth point has to do with the visual cues and indicators that the State Department feels are a necessary part of diplomatic negotiations and that blind people cannot interpret them.

Mr. Chairman and members of the subcommittee, there are in this country blind judges, blind lawyers, blind psychiatrists. Blind people who in their day-to-day work have to interpret what the State Department would call visual cues and indicators, and they do so very effectively. So how do they do it?

One way they do it is by audible means. Now, the State Department hasn't learned that yet. But most visual cues and indicators are accompanied by audible cues and indicators, such as a smile when one is talking, the rustling of paper, the shifting about uncomfortably in one's seat, and so on and so forth.

But beyond that, it is important to recognize that in diplomatic negotiations particularly, if there is a wink or a nod on the part of your opponent or the person sitting across the negotiating table with you—if a blind person does not hear or is not able to hear the visual cue, they are certainly not going to go on with any discussions until they do hear some verbal response. In any case, to the best of my knowledge, no international treaty or agreement has ever depended on being signed on the basis of a wink or a nod. Everything has to be written on paper with the "i's" dotted and the "t's" crossed.

Mr. Chairman, those are the five points that I have been able to glean from various letters and statements made by the State Department officials to Members of Congress and the media representatives, and those are my answers to them.

Mr. Sikorski. Thank you very much.

Without objection, your entire statement will be placed in the record as you have provided it.

[The statement of Mr. Rabby follows. Also included are the letters he referred to.]

Statement by Avraham Rabby
Regarding the Exclusion of the Blind from Employment
in the United States Foreign Service
Presented before the Subcommittee on
Human Resources of the Committee on
Post Office and Civil Service
U.S. House of Representatives
Washington, D.C.
Wednesday, February 1, 1989

Mr. Chairman and members of the subcommittee. My name is Avraham (Rami) Rabby, and I reside at 136 East 55th Street, Apartment 8E, New York, New York 10022. My telephone number is 1 (212) 371-7766.

Introduction

I very much appreciate the opportunity you have afforded me to appear before you, today. At the outset, I wish to congratulate you and the subcommittee staff for organizing and conducting this briefing. It is particularly appropriate that a subcommittee on human resources should undertake this effort: as will become patently clear from my statement, it is my belief that the United States Foreign Service, in all its public pronouncements about the uniform character and monolithic capabilities of Foreign Services Officers, in general, and in its historic behavior toward the blind, in particular, has, either through shear ignorance or deliberate deception, destorted and demeaned the very concept of people as human resources, of people as innately possessing diverse strengths and weaknesses, heterogeneous advantages and disadvantages, but all of them able, in one way or another, to make a full and valuable contribution to the work place within the United States and to the national effort abroad.

My Own Background

My background and life experience are somewhat international in nature. Having spent my earlier childhood in Israel, I completed my elementary and high school education in the United Kingdom, obtained a Bachelor's Degree in French and Spanish from Oxford University, and worked for a year as a human resources management specialist at the Ford Motor Company of Britain.

In 1967, I arrived in the United States on a Fulbright scholarship and obtained a Master's Degree in Business Administration from the University of Chicago.

My professional career continued in the field of human resources management, both as a consultant for Hewitt Associates and as a personnel relations officer for Citibank. Since 1980, I have worked as an independent consultant and writer in the area of human resources management, career planning and job search counseling, with particular emphasis on people with disabilities.

Throughout my employment history, I have come to recognize that effective performance on the job can never be based on any categorical or universal assumptions about jobs or people, and can only result from a detailed analysis of the requirements of each job, a careful evaluation of each candidate's unique attributes, and a subsequent matching or meshing of the two sets of facts. As I implied earlier, such a philosphy about the use of human resources at the work place seems, on the surface at least, to be totally foreign to the diplomatic service of the Department of State.

Besides living for long periods of time in Israel and in the United Kingdom, I have lived for periods of a year or less in France and Spain, and have traveled extensively throughout western, northern and southern Europe, as well as in Colombia, South America. In my professional work, my overseas clients have included, among others, the International Labor Organization, in Geneva, Switzerland, and Marks and Spencer, the well known department store chain headquartered in London, England. I have been either a delegate and/or an invited speaker at international conferences in Israel, Portugal, Belgium, West Germany, Spain, Colombia and Sweden, and I have published articles in, among other periodicals, the International Labor Review. I speak Hebrew fluently, and French and Spanish a little less so.

My Involvement with the United States Department of State

My first encounter with the U.S. State Department and its policies and practices vis-a-vis the blind occurred some fifteen years ago. At that time, I, as Chairman of the Cultural Exchange and International Program Committee of the National Federation of the Blind, along with many of my colleagues in the organization, conducted a feverish correspondence with then Secretary of State, Henry Kissinger, as well as with numerous members of Congress, in an effort to pursuade the Department to view blind candidates for employment more receptively.

It should be noted that, at that time, although the Rehabilitation Act of 1973 as amended had already been signed into law, the State Department was refusing to hire blind people even for its Washington, D.C. positions. It was the National Federation of the Blind that was instrumental in finally convincing the Department to hire its first blind Washington, D.C. employees. However, as far as the foreign service was concerned, the Department was adament in its position that its medical standards for employment which automatically excluded the blind were appropriate. The Department's reasons for disqualifying blind candidates for the foreign service were the same then as they seem to be now: the alleged inability of blind candidates to handle large quantities of paperwork, to function in countries were substandard conditions prevail, to operate safely in a highly security conscious environemnt, and to live in areas of the world where medical facilities are not as widely available as they are in the United States. Throughout our negotiations with officials of the Department of State, the "principal of worldwide availability" was constantly advanced as the main rationale for excluding blind candidates, any blind candidates, from consideration.

In the fall of 1985, I began to consider a possible change of career. I had had a life long interest in foreign affairs, diplomacy and international relations, and employment in the United States Foreign Service was clearly one option. Accordingly, I contacted the Board of Examiners of the Foreign Service and was gratified to learn that blind candidates were welcome to take both the annual written examination as well as the subsequent oral assessment, and to use the reading and writing methods of their choice: brail, cassette tape, use of the reader, use of an amanuensis, etc.

In December 1985, I commenced my first candidacy by taking the annual written examination which I passed, and in July 1986, I took the oral assessment and passed it, too. In September 1986, I was asked to complete a number of forms and to write an autobiographical essay in which (perhaps not naively) I deliberately addressed the issue of my blindness, described how I planned to carry out my work as a Foreign Service Officer, demonstrated my keen awareness of potentially negative attitudes toward my blindness, and did my best to allay any possible doubts the Department of State might have regarding my ability to perform and to make a contribution at least equal to that of my sited counterparts.

In October 1986, I was asked to undergo a medical examination at the Department's headquarters clinic. It was during that examination that Dr. Jerry Kennedy read to me the paragraph in his medical standards manual which unequivically stated that any candidate suffering from a noticable lack of visual acuity - not to mention any candidate who was totally blind, as I was - was to be medically disqualified.

In subsequent conversations with Mr. Paul Canney, staff director of the Foreign Service Board of Examiners, he told me that a medical disqualification could be appealed to the Employment Review Committee, but that no blind candidate had, to his knowledge ever succeeded in having his/her medical disqualification waived by the Committee. Mr. Canney acknowledged the obvious contradiction between the Department's "receptive" behavior toward blind candidates during the examination process, on the one hand, and its exclusionary treatment of them in its manual of standards for medical clearance. Nevertheless, he encouraged me to continue my candidacy by undergoing the required security investigation.

While the security investigation was being conducted, I commenced my second candidacy by taking the annual written examination, in December 1986 and the oral assessment in August 1987, both of which I passed with improved scores.

Toward the end of August 1987, Mr. Canney informed me that my security investigation was now complete, but my entire file had been reviewed by the final review board and that I had been judged "non-competitive". Despite my insistent requests, he said he had no knowledge of why I had been judged "non-competitive", and claimed that it would be impossible to ascertain the cause for rejection from the members of the review board who, by that time, had all gone their separate ways throughout the Department. Nevertheless, he suggested that I obtain a copy of my entire file under the provisions of the Freedom of Information Act, in an effort to see if I at least could uncover the cause for my rejection.

During the nine months which it took the State Department to forward my file to me, I commenced my third candidacy by taking the annual written examination in December 1987 which I passed with an even higher score than in the previous two years. When I finally did receive my file in the late spring of 1988, I was gratified to learn that I had been given the necessary security clearance, but could find in the file no stated cause for rejection, although the medical report of my blindness with its implied disqualification was there for all to see.

At that point, Mr. Canney accepted no further telephone calls from me, and referred me instead to a Mr. Ronald Kleinman, a legal advisor for the State Department. In a July 1988 telephone conversation with Mr. Kleinman, he told me that my case had prompted the Department to establish an internal task force (of which he was a member) for the purpose of reviewing the Department's entire body of policies with respect to the employment of blind candidates for the foreign service. My confidence in Mr. Kleinman's ability to influence the task forces eventual report in any constructive and rational direction rather than clinging to the old negative and arbitrary assumptions about blind people as necessarily inflexible, unadaptable, sedentary and helpless, was completely shattered when he made the following paraphrased statement: "You know, we require all of our foreign service officers, these days, to vary their route to work every day, for security reasons. How on earth could a blind person do that?"

In a follow-up telephone conversation with Mr. Canney, he told me that, pending the conclusions of the task force review, he would be prepared to hold a final decision on my second candidacy (the one I commenced in December 1986) in abeyance. In the meantime, I scheduled my third oral assessment for Monday and Tuesday, November 14th and 15th, 1988. On Thursday, November 10th, I received a telephone call from Mr. Canney in which he informed me of the Department's new policy prohibiting the use of readers by blind candidates during the examination process, a new policy which is stated formerly in the attached letter. I should note that, since Friday, November 11th was a Federal holiday, even if I Mr. Canney's November 10th call woul have left me with absolutely no time to make the necessary arrangements to have a Kurzweil Personal Reader available for my use during the oral assessment, even if I had believed that using such a mechanical device was a viable option.

Analysis and Refutation of the State Department's Arguments for Excluding the Blind from Employment in the Foreign Service

I. The Principal of World-Wide Availability

In an undated letter to Representative Benjamin A. Gilman of New York, Mr. J. Edward Fox, Assistant Secretary, Legislative Affairs, wrote as follows, regarding the employment of blind people as Foreign Service Officers (FSO's): "The more specific issue of hiring FSO's must be addressed in the context of the Foreign Service Act which statutorilly directs all Foreign Service Officers to be obligated to serve world-wide".

Mr. Fox seems to make a distinction between blind and sighted Foreign Service Officers, implying that, while sighted FSO's can be obligated to serve world-wide, blind FSO's cannot. Mr. Chairman and members of the subcommittee, I reject this distinction and any attempt to assign would-be blind Foreign Service Officers to some separate and clearly less equal category of FSO, by relaxing the principal of world-wide availability in their case. Let us set aside all statutory abstractions, theoretical distinctions and arbitrary assumptions about the State Department's modus operandi, and, instead let us look at the real world of the Foreign Service and how Foreign Service Officers are assigned to their posts around the globe.

The State Department would have us believe that, with no more than a moment's notice, all Foreign Service Officers are typically and regularly plucked from their existing locations and transferred, willy-nilly, from Paris to Peking and from Ouagadougou to Oslo. In reality, however, Foreign Service Officers are not inanimate objects created on a State Department assembly line according to a fixed scientific formula, and are not perfectly interchangeable one with another.

Each FSO has unique strengths and weaknesses and highly individualized assets and liabilities. One may have a degree in East European political history, while another may not; one may have accumulated on the job experience of the African environment, while another may be a complete novice; one may be fluent in Hebrew, while another may be fluent in Chinese; one may be married and the mother of three children, each with his/her individual educational needs, while another may be single and much more flexible in his/her assignability; one may have a passion for the history and culture of the Far East, while another may not be so wedded to any one region of the world. Does the State Department honestly claim that it pays no attention to any of these individual characteristics, and that it switches its Foreign Service Officers like so many identicial widgets from one assignment to another? Of course not!

Although it theorizes glibly about world-wide availability, in reality, it behaves - it must - like any modern-day human resources manager who recognizes that not all jobs are the same, not all work environments are identical, and, most importantly, that every Foreign Service Officer is an individual in the fullest sense of that term. Therefore, under that conception of human beings in the work place, blindness and a Foreign Service Officer's individual handling of it becomes just one more characteristic in the mix of characteristics - some of them advantages in certain situations, others of them limitations in other situations - which the Foreign Service Officer brings to the diplomatic task (for a clear and detailed exposition of this concept, see "Blindnes: Handicapped or Characteristic" by Dr. Kenneth Jernigan, National Federation of the Blind). So, in the real world of the Foreign Service, blind FSO's could be as world-wide available as their sighted counterparts, and could operate perfectly happily within the strictures of the Foreign Service Act.

As a matter of fact, the Canadian Foreign Service, to its credit, does employ a full-fledged blind Foreign Service Officer who, so far, has served in Japan - a modern industrialized state of the first order - and in India - perhaps the epitome of a third world nation. An experienced U.S. Foreign

Service Officer who had an opportunity to work with him in Tokyo has attested to the fact that this blind FSO was extremely effective.

II. The Issue of Reader Assistance

Again, in his letter to Representative Gilman, Assistant Secretary Fox refers to the taking of the written examination and the oral assessment as follows: "Any person - blind or otherwise - could take the test using any mechanical device which allowed them to work independently from the original exam book". As I said earlier, the State Department, either on the basis of sheer ignorance or motivated by deliberate deception, seems bent on proving, either now or perhaps soon after a token blind FSO will have been hired, that blind Foreign Service Officers cannot perform their work as competently, speadily and efficiently as their sighted counterparts.

It is true that mechanical means do exist which enable blind people to read, print independently. The Optacon and the Kurzweil Personal Reader are two examples. However, what the State Department does not tell you is that these machines are either limited either in the types of print they "read", or in the speed with which they enable the blind user to read. Moreover, the Kurzweil Personal Reader is by no means an easily portable piece of equipment, while both the Optacon and the Kurzweil Personal Reader have great difficulty "reading" hand-written material.

Mr. Chairman and members of the subcommittee, our ultimate and overriding aim, as should be the aim of the State Department, is for blind Foreign Service Officers to work not so much independently but rather competently, speadily and efficiently. While technological reading devices can serve a useful purpose in certain situations, all management-and professional-level employees have recognized, long ago, that, in terms of overall versatility, flexibility, efficiency and speed, nothing currently beats a competent human reader.

Mr. Fox continues his categorical assault on blind candidates as follows: "We have also determined that Foreign Service Officers must independently perform certain tasks that blind persons could not perform without assistance...for example, our security procedures bar out-loud reading of classified materials at posts abroad, except in specially designed acostical rooms". Again, Mr. Chairman and members of the subcommittee, let us brush aside bureaucratic restrictions and, instead, ask a number of questions about the real world of the Foreign Service: Is "out-loud reading of classified materials" barred at all posts abroad? Are all posts electronically bugged? And why shouldn't a specially designed acostical room be used by a blind Foreign Service Officer with his/her reader? Surely, these are fair questions. However, they are not likely to be asked as long as the

State Department persists in its global and arbitrary exclusion of the blind from the Foreign Service rather than assuming an open and positive can-do posture on the issue.

But that's not the end of it! In a January 10, 1989 letter at Representative Bill Green of New York (see attached), George Vest, Director General of the Foreign Service, states that classified materials are typically handled by political and economic officers. If that is the case, why should blind persons not be considered for positions as administrative officers, as cultural and public affairs officers, or as counsular officers? Again, a fair question, but one which is not likely to be of interest to anyone intent on a universal policy of exclusion.

Incidentally, is the State Department honestly telling us that no out-loud reading of classified materials ever takes place at posts abroad? What about the out-loud interpreting of classified materials written in a language not understood by the FSO in question? And if classified materials are not read out-loud, are they never discussed out-loud, either? It's simply does not make sense.

It is high time the State Department recognized the obvious analogy between readers from blind Foreign Service Officers, on the one hand, and interpreters, diplomatic couriers, embassy drivers, etc. for all Foreign Service Officers, where the blind or sighted, on the other hand. Total independence may be nice to have in an ideal, utopian world, but in the real interdependent, highly specialized world of today, none of us are truly independent.

By the way, the blind Canadian Foreign Service Officer does have a reader/secretary assigned to him for his use on an as-needed basis, in which ever post he is serving. Much of the time, he works independently - writing, talking, thinking, moving about, and reading either pre-recorded material on tape or computer generated brail or speech synthesized output. During such time, his reader/secretary is available to assist other Foreign Service Officers at the post. However, when he needs material read to him by a human reader, material that is not otherwise accessible to him, his reader/secretary is automatically made available to him. That, it seems to me, is the truly enlightened policy which the State Department should emulate.

One final obsurdity in the State Department's position regarding this issue should be pointed out. On the one hand, the State Department claims that its change of policy of November 10, 1988 regarding the use of readers during the examination process was based on a desire to duplicate conditions which blind Foreign Service Officers would encounter a post abroad. Yet, in his January 10, 1989 letter to Representative Green, Mr. Vest says that those visually handicapped candidates who did take the December 3, 1988 written examination were provided with assistance in marking their papers. Odd, isn't it, that, while readers are prohibited under the new policy, paper markers are not?

III. The Issue of Security and Personal Safety

Of all the stereotyped assumptions about the blind, the most common is that, if one is blind, one is necessarily helpless, slow, inattentive to one's surrounding environment and hopelessly vulnerable to any individual who is intent on doing harm and for whom a blind person is necessarily an easy mark.

As with most stereotypes, this one, too, is simply not supported by the facts. There is absolutely no statistical evidence to demonstrate that blind people are robbed, raped, killed or otherwise harmed in any greater proportional numbers than are the sighted. That is why the National Federation of the Blind has, in recent years, finally succeeded in convincing the insurance industry not to discriminate against the blind in the sale of insurance policies.

However, the issue of security and personal safety should be decided on the basis of broader considerations of social benefit rather than on the basis of mere statistical comparisons. Let us take the employment of women Foreign Service Officers as an analogy. Its security and personal safety were truly the paramount and overriding issue in the employment of Foreign Service Officers, which the State Department claims that it is, no women would probably be employed as FSO's. After all, as a group, women are less strong than men and run less fast. In the event of a physical confrontation between a woman Foreign Service Officer and a male terrorist, the male terrorist would likely succeed in carrying out his objective.

Yet, the State Department does hire many women Foreign Service Officers, and rightly so. It does so because, presumably, it believes that the social benefit to be gained from employing women as Foreign Service Officers in demonstrating to the world the respect and equal treatment which American society accords to women far outweighs any security consideration, however legitimate it might be. Today, the blind come before this subcommittee, looking for exactly the same treatment and consideration.

IV. The Issue of Blind People in Unfamiliar Settings and Cultures

In his letter to Representative Gilman, Mr. Fox says as follows: "A review of our system showed, however, that we have not been able to hire blind applicants because of...anticipated problems in moving blind persons into unfamiliar settings and cultures". Once again, a universal stereotype is here applied arbitrarily to all blind people. Society has always assumed that just because we are blind, we necessarily feel most comfortable and at ease with ourselves in a sedentary position, that we cannot travel or relocate our employment, that we quickly become disoriented in unfamiliar territory, and that we cannot adapt and cannot be sensitive to other cultures, customs and mores. What nonsense this is!

Of course, there are some blind people who cannot readily find their way in foreign settings and cultures just as there are some sighted people who, with the best intentions in the world, often tell me that I am walking along 53rd Street while I know for a fact that I am walking along 55th Street, or that I am about to cross 3rd Avenue when, in reality, I am about to cross Lexington Avenue. How many more times will we have to say it before the frozen mindset of the State Department will thaw and the Foreign Service will finally understand that blind people are individuals, that it is unwise to treat us as a monolith, and that it is down right prejudicial and discriminatory to anticipate problems which are non-existent and which have no foundation in fact.

The truth is that blind people travel daily all over the world both on business and for pleasure. The State Department need only have looked for leadership on this issue to the positive experience of the United States Peace Corps which has hired and effectively used blind volunteers in vastly unfamiliar settings and cultures. The State Department could have looked to the Peace Corps for leadership on this issue, if it were interested in employing blind Foreign Service Officers, but clearly, as of this moment, it is still not.

V. The Issue of Interpreting Visual Cues and Indicators in Diplomatic Negotiations

In a number of informal contacts with members of Congress and media representatives, State Department officials have expressed doubts as to the ability of blind people, particularly in the midst of diplomatic discussions and negotiations, to interpret cues and signals that the State Department believes are often communicated only visually. Once again, such doubts are either based on sure ignorance of the perceptual abilities of the blind or are simply motivated by a deliberate desire to exclude blind persons from consideration, at all costs.

First of all, State Department officials make the erroneous assumption that just because one has sight one can automatically make valuable use of visual cues and indicators. The fact is that the ability to physicially see, during diplomatic negotiations, is one thing and is of negligible value, while the ability to interpret what one sees is quite another thing and can be of value.

However, beyond that, most cues and indicators that, to the untutored sighted person, may seem to be purely visual, in fact are not, and are often accompanied by audible cues and indicators, too, such as a smile while talking, a change in tone of voice, an uneasy shifting about in one's chair, a turning of the head in the midst of heated discussion, a wrestling of papers, etc., etc.

In any case, it is my belief that the importance, which, in recent years, has been attached to so-called body language by academic researchers is highly exaggerated. This is particularly the case in diplomatic negotiations where no irrevocable decisions are normally ever taken without their being committed to paper with every "i" dotted and every "t" crossed.

The concern of State Department officials with this issue spends not so much from any factual analysis of the negotiating process as from a somewhat over-romanticized view of the diplomatic life. Any executive or professional - and there are plenty of blind executives and professionals performing effectively both in the public and private sectors - knows full well that the skills of diplomacy do not belong soley to diplomats, but to any manager, supervisor or professional-level employee who has to assign work, delegate, coach, resolve conflict, mediate disputes, smooth ruffled feathers and otherwise get work done through people.

Mr. Chairman and members of the subcommittee: It is truly unfortunate that, while the Federal Government takes great pains to show the American public that its government is composed of a broad cross-section of American society, it presents a quite different face to the rest of the world, a face which seems to suggest that the only thing that is good and valuable in American society is that which is physically perfect.

May I urge you to do whatever you can, either by means of amending legislation or simply through jaw-boning from your bully pulpit, to bring about a dramatic change in the State Department's exclusionary policy with respect to blind Foreign Service Officers. As you go about this task, I would urge you strongly to resist the temptation of selling such a change in policy as an integral part of President George Bush's vision of a "kinder, gentler, America". We of the National Federation of the Blind in no way base our arguments on any charitable consideration. We do not seek kindess from the Foreign Service and we do not believe that blind Foreign Service Officers should be treated any more or less gently than their sighted counterparts. We believe what we believe because we know blind people can serve productively and do so on an absolutely equal footing with the sighted.

In his January 10th letter to Representative Green, Mr. Vest says that yet another working group has been established by the State Department to study these issues, and that its task is "formidable". Please, Mr. Chairman and members of the subcommittee, let us have no more task forces! Let us have no more working groups! The task is not formidable! All that is needed is a simple initial statement of policy by newly appointed Secretary of State, James A. Baker, proclaiming the Department's belief that blind Foreign Service Officers can make a full contribution to American diplomacy. The only issue will then be how. The National Federation of the Blind is ready, willing and able to provide the Department with the answer.

Thank you.

United States Department of State

Director General of the Foreign Service
and Director of Personnel

Washington, D.C. 20520

January 10, 1989

Honorable Bill Green
House of Representatives
Washington, D.C. 20515

Dear Mr. Green:

This is in response to your letter of December 7, 1988 in which you request that the Department review its policy on accommodating blind applicants for the Foreign Service exam.

As you noted, it was decided that the December 3, 1988 exam would not be given in braille or with a reader. Our prior exam policy was criticized by organizations representing the blind as raising the false hope that the blindness of a Foreign Service Officer would be accommodated with a reader in the field.

The current policy decision provides, however, that any visually impaired applicant may utilize any accommodation (mechanical or otherwise) which facilitates working independently from original exam documents. (Foreign Service Officers must necessarily work from original source documents in the field.) Of all the visually blind applicants for the December 3 exam, only one chose not to take it under those circumstances, and many visually impaired applicants (including one who is totally blind) were able to take and complete the exam. Our policy also allowed these same applicants extra time and, where necessary, assistance in marking the answer booklet. Clearly, the current policy does not impose a blanket exclusion on any protected group.

This policy only affects persons applying for Foreign Service Officer positions, which comprise approximately twenty percent of the Department's workforce. Over the past several years the Department has met all applicable standards in hiring and retaining handicapped persons for U.S.-located positions. It is, however, obvious that some types of handicaps may not be reasonably accommodated in the increasingly hostile environments confronted by a Foreign

Service Officer, who must by law serve abroad on a "worldwide available" basis. For example, our embassy security procedures prohibit out-loud recitation of classified information. The threat of electronic interception is simply too great. Thus, readers (who are an appropriate accommodation for most professions and are used by the Department in Washington) are not a reasonable accommodation for political or economic officers, for example, whose daily tasks necessarily require dealing with highly classified information.

Based on our desire to be fair to all concerned and to be responsive to the concerns you express, we have established a working group to evaluate our testing and hiring policies with respect to all disabled persons. The task of this working group is formidable and will not be concluded until well into 1989. The working group, once its task is completed, will make its recommendations available to the Congress and the public.

Sincerely,

George Vest

George S. Vest

United States Department of State

Washington, D.C. 20520

Dear Mr. Gilman:

I am responding on behalf of Secretary Shultz to your letter of November 28 requesting an explanation of the Department's policies with respect to hiring persons who are blind as Foreign Service officers.

First let me clarify one point. Although there has been much publicity that the Department has decided to exclude all blind persons from serving as Foreign Service Officer's (FSO's), this is not true. To date, the Department has taken only one decision in this area, and that related to the manner in which the FSO exam will be given. This new policy provided that the Department would no longer be accommodating visually impaired applicants for the Foreign Service with braille tests or readers during the examination process. Nonetheless, any person, blind or otherwise, could take the test using any mechanical device which allowed them to work independently from the original exam book. Mechanical accommodations, in fact, allowed a totally blind person, and a number of partially sighted persons, to take the exam in December.

The Department hires blind individuals into the Civil Service, but has not accepted functionally blind individuals into the Foreign Service. The more specific issue of hiring FSO's must be addressed in the context of the Foreign Service Act which statutorily directs all Foreign Service officers to be obligated to serve worldwide.

In recent years we have offered the Foreign Service Examination in braille and have provided readers to assist blind applicants in taking the exam. A review of our system showed, however, that we have not been able to hire blind applicants because of our medical clearance requirements, security concerns, and anticipated problems in moving blind persons into unfamiliar settings and cultures. We have also determined that Foreign Service officers must independently perform certain tasks that blind persons could not perform without assistance.

The Honorable
Benjamin A. Gilman,
Subcommittee on Europe
and the Middle East,
Committee on Foreign Affairs,
House of Representatives.

Our policy on testing is constantly under review. Over the last year we received inquiries from several blind applicants that prompted us to intensify our review. We agreed that it is neither fair nor useful to encourage the candidacy of severely disabled persons by providing accommodations on the exam which could not be made available overseas. The goal of our review is to link directly the accommodations we provide in our exam process to job functions which are essential to satisfactory performance in the Foreign Service. Where it is conclusively determined that an accommodation requested in the exam process would be incompatible with performance of essential functions in the field, such accommodation requests will be denied. This was found to be the case with readers and reliance on braille material. For example, our security procedures bar out loud reading of classified materials at posts abroad except in specially designed acoustical rooms. Therefore, readers can not be used as an accommodation for FSO's serving abroad while they may be a reasonable accommodation for Civil Service personnel within the Department in Washington.

The Foreign Service requires that all applicants pass a medical exam once they have passed the written and oral tests. Applicants can request a waiver if they do not meet the medical requirements. Such requests are reviewed by a management committee on a case by case basis. A waiver is granted when it can be determined that the Department can reasonably accommodate the applicant's condition without sacrificing performance, safety or assignability needs of the service. This process has in the past, and will in the future, continue to be a mechanism for giving fair and equitable consideration to disabled applicants, including those with visual impairments, who can demonstrate the ability to work independently from original source documents through the exam process.

If you require any additional information regarding this policy, please feel free to contact Mr. Sheldon Yuspeh, the Department's disability programs manager, on 647-3465.

With best wishes,

Sincerely,

Edward Fox

J. Edward Fox
Assistant Secretary
Legislative Affairs

United States Department of State

Washington, D.C. . 20520

November 10, 1988

Mr. Avraham Rabby
136 E. 55th Street # 8E
New York, New York 10022

Dear Mr. Rabby:

I refer to your Foreign Service Junior Officer candidacy and, specifically, to the Oral Assessment which you were scheduled to undergo on Monday, November 14, 1988, in Washington.

As explained to you today on the phone, it has been decided that, henceforth, the Foreign Service selection process will serve not only to test a candidate's knowledge and intellectual skills but, as well, to test a candidate's ability to work effectively and independently from original source documents. As a consequence, the Board of Examiners will not offer the Written Examination in Braille nor will it provide the services of a reader for visually impaired candidates at any stage of the selection process, including the Oral Assessment.

In response to your question, it will not be possible for you to bring a reader to assist your participation in the Assessment Center.

If I can answer any questions you may have regarding the above, please do not hesitate to let me know.

Sincerely,

Paul F. Canney

Paul Canney
Staff Director
Board of Examiners
for the Foreign Service

Mr. **Sikorski**. We will move quickly to the second panel and the officials. But before you leave, Mr. Rabby, I do have a couple of quick questions. Your points were dealt with logically and nicely in your statement. I did want to hit on a couple of them.

I know that the State Department has made the claim that their Foreign Service Officers must be by virtue of their organization, their statutory authorization, available on a worldwide basis—the so-called worldwide availability argument.

Does the Department actually follow this policy in application today?

Mr. **Rabby**. That, of course, you will have to ask them. All I can tell you is that it is simply to the logical mind of a human resources management specialist—which is what I claim to be, Mr. Chairman—that simply cannot be.

As I said in my oral testimony and as you will find in the written testimony, any placement of a Foreign Service Officer simply cannot be done the way you place so many identical widgits that come off an assembly line in a factor. Foreign Service Officers have specific educations. One may have an expertise in East European political history; another may not. One may have experience in the African environment; another may be a complete novice. One may be fluent in Hebrew, another may be fluent in Chinese; and so on and so forth. All these are taken into consideration when they place any Foreign Service Officer in a particular post.

What we would like to see is blindness as a characteristic being put into that mix of characteristics of a blind Foreign Service Officer when the time comes up for placing, for stationing, a blind FSO anywhere in the world.

Mr. **Sikorski**. In fact, people are looked at based on their talents, their resources, their frame of mind at the time, their family situations, and a host of personal idiosyncratic facts and whims, and then decisions are made on that basis, are they not?

Mr. **Rabby**. Exactly.

Mr. **Sikorski**. Let me ask you—one of the State Department's concerns that strikes a responsive chord in a lot of hearts is that concerning classified information. You hit that in your statement. I don't recall that you detailed it in your summary this morning—the argument that a blind individual is not able to recognize when such information is classified and that it can be easily intercepted if a blind individual requires a reader who would read that classified information out loud.

How does that concern strike you?

Mr. **Rabby**. They say that reading out loud of classified information which is used by political and economic officers is barred except in specially designed acoustical rooms at posts abroad. I think there are a number of questions that it would be fair to ask them. Are classified materials only used by political and economic officers, as they have said? And if so, what about public affairs officers and cultural officers, and administrative officers and consular officers?

Why aren't they willing to consider blind people for those positions?

If out loud reading of classified materials is prohibited, what about the interpreting out loud of classified materials to FSOs who are not familiar with the language of the classified material? Does that not ever take place?

And if out loud reading of classified materials is prohibited, what about out loud discussion of classified materials? Surely that goes on. It simply does not make sense.

And if all discussion or reading out loud of classified material has to take place in the specially designed acoustical room, put the blind person with his reader in there.

Mr. SIKORSKI. The point you are making is if it's an issue, it's an issue for sighted people and blind people as well, because classified information is not simply read and it's not simply written; it's interpreted, it's translated in some instances—which is done out loud—and it's discussed out loud. And if that is only done in contained acoustical rooms, then there is nothing wrong with putting the blind person in there?

Mr. RABBY. That's right. But the broader point that I'm making, Mr. Chairman, is also that the State Department has so far been totally unwilling to acknowledge the valuable contribution that blind people can and should be making in the Foreign Service. And if they are initially unwilling to make that policy kind of statement, they will find all kinds of ways in which blind people should not be hired. And these are just some of them.

Mr. SIKORSKI. You commented on unfamiliar circumstances. You have lived in New York City for how long?

Mr. RABBY. Eleven years.

Mr. SIKORSKI. Eleven years. It is not the most kind and friendly and user friendly city in the world. [Laughter.]

Mr. RABBY. Yes, on the issue of personal safety and security, New York City in 1988 had 1900 murders, which is the largest number of murders in any city around the world—that's to say in peacetime.

Mr. SIKORSKI. Washington, D.C.—where we're sitting this morning—is not the friendliest place either.

Mr. RABBY. Absolutely.

Mr. SIKORSKI. Is there any place in the world that you would not go, refuse to go, or personally not want to go based on the fact that you are blind?

Mr. RABBY. Not based on the fact that I'm blind. There are plenty of places in the world that I wouldn't like to go to.

But the State Department ought to realize that in all those places that I may not want to go to there are blind people living and working very happily.

Mr. SIKORSKI. In fact, there are blind people who are serving in our Foreign Service today; is that correct?

Mr. RABBY. Mr. Chairman, I don't have much information about any blind people——

Mr. SIKORSKI. I know one. I met an ambassador just a few weeks ago who is legally blind, and there are blind people in the Foreign Service.

Mr. RABBY. However, I do know, Mr. Chairman, that there is a full-fledged blind—totally blind—Foreign Service Officer working for the Canadian Foreign Service, and has done so for at least 10 years; has served in Tokyo and now in India, and has a reader/secretary assigned to his position, so that wherever he is assigned the reader/secretary goes with him.

Mr. SIKORSKI. And those include both industrialized nations and——

Mr. RABBY. And so-called Third World countries, yes.

Mr. SIKORSKI [continuing]. Emerging nations.

I spent a year in India a few years ago during college and I can appreciate the fact that if someone does serve in the Foreign Service in India they probably have experienced a wealth of wonderful and challenging opportunities, and probably proven the capacity to survive in any country.

Mr. Rabby, do you have anything to add?

Mr. RABBY. No, I don't think so, Mr. Chairman.

I think my written testimony includes just about all the thoughts that I have ever had on this subject. [Laughter.]

Mr. SIKORSKI. Will you be available for us this morning should we want to come back and ask you some questions?

Mr. RABBY. Absolutely.

Mr. SIKORSKI. Thank you, Mr. Rabby.

Our second panel will include Mr. Evan J. Kemp, Jr., Commissioner, U.S. Equal Employment Opportunity Commission; Mr. Charles Stout, who is the Director of the Policy Coordination Staff with the Director General of the Foreign Service for the Department of State, and Mr. Sheldon Yuspeh, who is the Coordinator for Handicapped Employment Programs in that same office at the Department of State.

Gentlemen, welcome.

Let me introduce Mr. Kemp. Commissioner, it is a pleasure to have you here with us this morning. I know that you have had to make time in your schedule on short notice to appear as a panelist. I appreciate your effort and the effort and help provided by your staff in preparing for this briefing.

Mr. Kemp was nominated as Commissioner on the Equal Employment Opportunity Commission by President Reagan and was unanimously confirmed by the Senate in July of 1987. He is a tireless spokesperson for independent living by disabled people and for an end to paternalism that too often keeps disabled people dependent.

Again, it is a pleasure to welcome you here this morning. Your prepared comments will be placed in the record as you wish them, and you may summarize as you wish. Mr. Kemp?

STATEMENTS OF EVAN J. KEMP, JR., COMMISSIONER, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; CHARLES R. STOUT, DIRECTOR, POLICY COORDINATION STAFF, OFFICE OF THE DIRECTOR GENERAL OF THE FOREIGN SERVICE AND DIRECTOR OF PERSONNEL, U.S. DEPARTMENT OF STATE, AND SHELDON YUSPEH, COORDINATOR FOR HANDICAPPED EMPLOYMENT PROGRAMS, OFFICE OF THE DIRECTOR GENERAL OF THE FOREIGN SERVICE AND DIRECTOR OF PERSONNEL, U.S. DEPARTMENT OF STATE

Mr. KEMP. Thank you very much, Mr. Chairman, and thank your staff.

This briefing is very important to disabled people because I think it again shows an attitude that excludes us from the mainstream of society.

The State Department's actions in refusing a blind applicant the right to take a test—either in braille or with a reader or something else—sends the wrong message at the wrong time to both government agencies and to the public sector.

The Federal Government is supposed to be a model employer of disabled people. I don't think it meets that very often. But we do have a new administration in and President Bush is committed to integrating disabled people into society by giving disabled people control over their own lives.

He has talked about this 70 percent unemployment of disabled people. He would like disabled people to get back into the work force.

A 1986 EOC report on the State Department concluded that somebody who was disabled very rarely got through the twin barriers of the medical standards and the worldwide availability standard. I don't know how much these standards cause the problems or whether it's the attitude that the State Department has. I do think attitudes are still the biggest barrier that people with disabilities have in getting integrated into society.

I don't have, and the Commission—EEOC—does not have really adequate information on how the worldwide availability standards work. Are there exceptions to that standard? Is it written into the law that sometimes these are followed by agencies very closely and sometimes not at all?

We do know from the September of 1988 report that there are two Foreign Service Officers who are blind. Are they treated differently or do they still have worldwide availability?

There are a lot of things that we need to know, I think, before we can make a determination that the State Department is violating Section 501 of the Rehabilitation Act of 1973.

From my own experiences as Executive Director of Ralph Nader's Disability Rights Center from 1980 to 1987, the State Department has a dismal record in hiring people with disabilities. It seems to me that their attitude is that they want to hire what I call the "mythical American"—the 5 foot 10 inch,160-pound, male WASP in perfect physical/mental health. I think that this is the attitude that they are going by. This does exclude disabled people and other people that are different.

The Rehabilitation Act of 1973 is different than the Civil Rights Act of 1964. It says look at the individual. Look at the individual's ability and disabilities, and then look at the job, and see if those two can mesh. I think the State Department still has these medical standards that are vague and exclude disabled people. They look at blindness and they look at groups and still exclude them.

I think this briefing is terribly important. I think there should be hearings on this and I think that the Congress should pass specific laws for the State Department in this area.

Thank you.

Mr. SIKORSKI. Thank you, Commissioner Kemp. I think there are specific laws dealing with handicapped individuals and your 1987 report highlights those. We will get into questions after Mr. Stout has had his say.

Director Stout is Director of the Policy Coordination Staff in the Office of the Director General of the Foreign Service and the Director of Personnel at the State Department. That's one office. I kind of made you two different things, but that's one office.

Mr. Stout comes to us at the recommendation of and as replacement for Mr. George Vest, who, after a long and successful career, has recently retired from the State Department.

Mr. Stout is also accompanied by Mr. Sheldon Yuspeh who is the State Department's Coordinator for Handicapped Employment Programs. I understand that Mr. Yuspeh will not make a formal presentation but is available for us today to make any comments, answer any questions.

If I may interject at this point, Congressman Dymally is here and we will turn it over to him for a statement.

Mr. DYMALLY. Mr. Chairman, thank you very much. I come to you and my friends—especially those from California—as a long supporter of those with sight handicap as a member of the California legislature since 1962, so I have a keen interest in this matter.

I also wear another hat, Mr. Chairman, as the new Chairman of the Subcommittee on International Operations of the Foreign Affairs Committee, which has some jurisdiction on the whole question of employment practices of the State Department. After you have concluded your hearing the subcommittee would like to join with this committee at subsequent hearings so that we could work jointly on this effort.

The subcommittee is committed to pursuing this matter and I want to give my friends some assurance that the Subcommittee on International Operations, which has jurisdiction over the State Department, is going to pursue this matter, with the help of Chairman Sikorski, with the hope that we will have a successful resolve of this very troubling problem. So I am very pleased to join you and want to commend you for initiating these hearings.

Mr. SIKORSKI. Thank you. The chairman has been a great help and a good friend as we have gone through this Post Office and Civil Service Committee on a whole host of issues. We thank him for his past activities and promise of future activities as well. We know that all of us can feel better because of it.

Mr. Stout, do you want to make your statement?

STATEMENT OF CHARLES R. STOUT

Mr. STOUT. Mr. Chairman, I have a short statement.

In recent years the Department of State has facilitated the Foreign Service candidacy of disabled persons by providing accommodations to enable such candidates to complete the written and oral assessment process. The relationship of the candidate's disability to performance and safety is not considered unless the candidate successfully passes the oral examination.

If disqualified because of a medical or disabling condition the candidate may request a review by an Employment Review Committee. The ERC—Employment Review Committee—reviews requests on a case-by-case basis to determine whether the Department can reasonably accommodate the candidate's condition without sacrificing the performance, safety or assignability needs of the Service.

Generally speaking, this policy has provided a useful mechanism for giving fair and equitable consideration to many candidates with medical and/or disabling conditions. However, expressions of dissatisfaction from candidates with severe disabilities prompted a review of the overall policy.

The Department established a Working Group in late 1988 to begin a self-evaluation of our existing pre-employment standards with respect to disabled candidates. The direction of the evaluation is twofold. Our medical division has been reviewing the Department's pre-employment medical standards with an eye towards recommending the elimination of any standard which is not based upon clear medical management considerations.

For example, an applicant who is blind or deaf but otherwise perfectly healthy, would not present a medical management issue. If the functional loss, however, is due to a disease process or other medical condition, the applicant's condition would be considered in terms of the Department's ability to provide adequate medical care in the field.

In addition to this medical standard review, the Department is reevaluating functional performance and safety requirements for all Foreign Service positions. The Department has asked the Educational Testing Service [ETS] to collect information on essential Foreign Service Officer duties in functional terms as part of the job analysis survey that ETS has contracted to do for us in the coming year.

This survey and information already collected by our Standards Review Working Group will be used to complete an evaluation of our ability to accommodate persons with disabilities in the future. It must be recognized that it is not always possible or reasonable to accommodate every type of functional loss in every job situation.

Our goal here is to link directly the accommodations we provide during the written and oral assessment process to job functions which are essential to satisfactory performance in the Foreign Service. Where it is conclusively determined that an accommodation requested in the examination process is incompatible with performance of essential functions in the field the request to the accommodation will be denied.

This approach will help early in the examination process to reduce unrealistic expectations for disabled persons who have functional losses that cannot reasonably be accommodated in the Foreign Service environment. As you may know, that environment includes the legislative requirement that members of the Foreign Service are available to serve in assignments throughout the world, as put in the 1980 Foreign Service Act.

While this process is still in the early phase, our review has shown that the ability to work independently and effectively from original source documents is an essential job requirement for all Foreign Service Officer positions. For this reason, the Director General of the Foreign Service decided that the December 3, 1988 written examination would not be given in braille or with a reader.

The policy decision provides, however, that any visually impaired applicant may utilize any accommodation—medical or otherwise—which facilitates working independently from original examination documents. Foreign Service Officers, for example, must necessarily work from original source documents in the field: passports, birth certificates, contracts, what have you.

Of all the visually impaired persons who applied to take last December's examination, only one chose not to take it under the circumstances. All other visually impaired applicants took and completed the examination. Our policy also allowed these same applicants extra time and, where necessary, assistance in marking the answer booklet. Clearly, the current policy does not impose a blanket exclusion on any protected group.

This policy only affects persons applying for Foreign Service Officer positions, which comprise approximately 20 percent of the Department's work force. Over the past several years, the Department has met all applicable standards in hiring and retaining persons with disabilities for positions in the United States. The Department employs visually impaired and blind persons in domestic positions and, where appropriate, employs readers. Thus, the policy change the Department has made is not an effort to exclude any group.

It is, however, a carefully derived recognition of our limitations to accommodate in one specific way with a reader and takes into account job requirements which demand worldwide availability and the ability to function in a wide range of work environments.

Mr. Chairman, I will be glad to take questions for the record or to go into general background questions if you have any.

Mr. Sikorski. We thank you, Mr. Stout, for your statement—appreciate it, and your willingness to assist us.

Let me, using the EEOC findings, just kind of run through a couple of things so that we are all at the same place, and correct me if I'm wrong.

According to your report, Commissioner Kemp, the application process for becoming a Foreign Service Officer is lengthy and includes a written and oral examination, medical examination, and background examination.

The Foreign Service Act of 1980 mandates affirmative action and equal employment opportunity for handicapped individuals in the Foreign Service. Under Chapter 1 of Section 101, the Act states that people won't be discriminated against, that there will be equal opportunity and fair and equitable treatment for all without regard to political affiliation, race, color, national origin, sex, marital status, age, or a handicapping condition.

Under Section 105 of the same Act, it discusses merit principles and protections for members of the Service and minority recruitment—this is the Foreign Service Act of 1980 again. It says that the Secretary of State shall administer the provisions so that people in the Service are free from discrimination on the basis of race, color, religion, sex, national origin, age, and a handicapping condition.

The State Department, according to your findings in 1987, established a committee to explore changing the current medical standards to standards that measure functional limitations of handicapped individuals.

In that order it says, agencies are to analyze selection procedures in order to identify those that impede hiring, replacement, advancement of handicapped individuals. As selection barriers are identified, alternatives are to be instituted.

Now, as I understand, the Department of State policy here is consistent with the Rehabilitation Act of 1973. That even broadens it and there is no exemption for the Department of State from the Rehabilitation Act of 1973; is that correct, Commissioner?

Mr. KEMP. Yes, that's true.

I do think that, you know, Congress was very specific in 1980. But I do think that Federal agencies and departments—especially the State Department—think these are sort of laws like either Grapefruit Week or National Eat Poultry Month—and they don't really take them seriously.

Mr. SIKORSKI. Oat Bran, that's the big wave now.

Mr. KEMP. Yes, and they are not taken seriously. That's why specific laws must outline exactly what agencies are supposed to do.

Mr. SIKORSKI. Okay.

Mr. KEMP. The Federal Government has been talking about hiring the handicapped since 1947. Of the 15 million disabled people of working age, less than a third of us work. That's a very dismal record.

Mr. SIKORSKI. Yes.

Director Stout, the Department of State has a policy—and maybe you can read it for me—on worldwide availability. Can you give me the exact language? I think you are mandated under your statute; is that correct?

Mr. STOUT. As I read in my statement, the Act provides that members of the Foreign Service are, quote, "available to serve in assignments throughout the world."

Mr. SIKORSKI. Can you read for me the words before that?

Mr. STOUT. I don't have the Act before me, Mr. Chairman.

Mr. SIKORSKI. We have the interposing issue of worldwide availability. And as I recall, we have an interposing issue of medical capacity and security: personal security, and security of information that needs to be transmitted, classified information specifically. These arguments are made to support the elimination of blind people for Foreign Service Officer position; is that correct?

Mr. STOUT. I don't believe so. There are many factors that go into the assignability of a person. Obviously, not every officer is going to be assigned at every Foreign Service post—135 or so—whatever there are in the world. But we try to make assignments equitably based both on Service need—there are requirements to fill positions—and the preferences and various personal considerations of officers.

Mr. SIKORSKI. The EEOC report was done in 1987 and the recommendation was—and it's my understanding that the Department told them that they were to establish a committee to explore changing the current medical standards to standards that measure functional limitations of handicapped individuals.

Mr. STOUT. If I may quote, Mr. Chairman, our medical division has been reviewing the Department's pre-employment medical standards with an eye towards recommending the elimination of any standard which is not based upon clear medical management considerations.

Mr. **Sikorski**. No, I understand that. In one of your letters I've seen, you gave me credit for instituting that policy. But I'm talking about 1987 and the State Department telling the EEOC that they have a committee that's looking at current medical standards. That was two years ago.

Mr. **Yuspeh**. Mr. Chairman, if I might, we have had an ad hoc group working on this for quite some time.

Mr. **Sikorski**. What's quite some time?

Mr. **Yuspeh**. Dating back to the date that you gave, sir.

Mr. **Sikorski**. And this ad hoc group that you are referring to now is the one that the EEOC was told about.

Mr. **Yuspeh**. That did some of the background——

Mr. **Sikorski**. What did they decide?

Mr. **Yuspeh**. The group that is currently working, sir?

Mr. **Sikorski**. No, the ad hoc group.

What did this group decide; the group that the State Department told the EEOC it had established as far as changing the current medical standards?

Mr. **Yuspeh**. Mr. Chairman, if I might, the Department has been undergoing the review. We are working and are reviewing drafts of revised medical standards. We are making an effort at this time, sir, which is still early on in the process, of reviewing our standards with an eye towards eliminating unnecessary exclusion as required under the Act.

Mr. **Sikorski**. Let me just back up a little bit. It is my understanding that following the Rehabilitation Act of 1973 direct, immediate concerns were raised with the Department of State on their hiring practices—as early as 1975. Right?

Mr. **Yuspeh**. I believe so, yes, sir.

Mr. **Sikorski**. Then in 1982, a complaint was filed against the State Department with the EEOC by Donald Galloway—blind—had served in the Peace Corps in Jamaica. It was settled in 1985 for about $167,000. In that settlement the State Department said it was committed to the policy of affirmative action with respect to the hiring, placement, advancement of qualified handicapped individuals as mandated by Section 501 of the Rehabilitation Act and its regulations. Further, the Department agreed to, quote:

> Develop and implement uniform methods by which qualified handicapped applicants for Foreign Service employment are afforded an opportunity to provide relevant information to the Department of its consideration when a review of the specific relationship between the applicant's medical status and the Foreign Service employment is conducted.

When did you begin your investigation that led to your 1987 report?

Mr. **Kemp**. In the summer of 1986.

Mr. **Sikorski**. So then in 1986 there's another investigation going on and in 1987 the report comes out. In it the State Department is credited with having established a committee to explore changing the current medical standards to standards that measure functional limitation of handicapped individuals.

Then in the fall of 1988, we have a report of an individual who has passed the written test three times, the oral examinations twice, who, as it turns out, has passed the security investigation, but can't make it over the hurdle of visual acuity in the medical standards and is washed out. He speaks four languages, has a degree from Oxford, and a graduate degree from Chicago. And when we asked questions about it, we are told that there is a kind of a group looking at it.

My point here is that I don't think that's good faith evaluation of the problem. And if we're here to take the State Department's statements that they want to move ahead and clear this up and make sure there aren't any standards barriers—standards that act as barriers—I don't have a lot of faith in those.

Mr. STOUT. Mr. Chairman, in the statement that I read I gave you what we were authorized to say in this briefing. And as far as I can see, the statement is straightforward. These are commitments that we're working on and we intend to carry them through.

Mr. SIKORSKI. Who do you think you're negotiating with here, the Japanese?

I think the American people have a right to know the conduct of the State Department with their taxpayers' monies are not being used to discriminate against other American citizens.

Let me back up and begin again.

What came out of the settlement agreement in the Galloway case that you can point to as action consistent with the sincerity of that agreement taken by the State Department to lessen barriers?

Mr. STOUT. Mr. Chairman, with respect, we are not authorized to go beyond this statement.

Mr. SIKORSKI. Do you know?

Mr. STOUT. I don't myself.

Mr. SIKORSKI. Do you, Mr. Yuspeh?

Mr. YUSPEH. Mr. Chairman, I don't think it would be proper for us to discuss any specific case?

Mr. SIKORSKI. Do you know, Mr. Yuspeh, what the Department of State did subsequent to the 1985 settlement saying that it would implement uniform methods to allow people to provide the information to the medical review people?

Mr. YUSPEH. Mr. Chairman, I'm sorry, it would be inappropriate for me to comment on any individual cases, sir.

Mr. SIKORSKI. Why would it be inappropriate? Let me know why it's inappropriate.

I'm not asking you about individual cases. I want to know what uniform methods were established subsequent to 1985 by the Department of State so that a qualified individual on everything else but has questions on medical can provide to the review board information on his or her medical status.

Mr. YUSPEH. Mr. Chairman, I think in our statement we were quite clear. We have an Employee Review Committee established in which candidates who make it through the entire exam process can present written information to that committee to consider so that that committee can determine whether or not we could accommodate. It's in the statement, sir.

Mr. SIKORSKI. The statement that was not provided to us prior to the hearing.

Mr. STOUT. We have it here if you would like a copy.

Mr. SIKORSKI. No. We requested it but were not provided it, just as the written statement barring blind people from Foreign Service was not provided us until I had to jump through three different hoops last year, and finally it came in January of this year. And now you are telling us that you are not authorized and you don't know about some things that the State Department entered into and point to as good-faith efforts to clear up this problem. I don't find that very reassuring.

Mr. KEMP. Mr. Chairman?

Mr. SIKORSKI. Commissioner?

Mr. KEMP. I have a suggestion. I think that what the State Department is doing now is done by other government agencies. They are really thumbing noses at Congress. I think you should submit your questions to the Chairman of the Appropriations Committee for the Department of State. And before they get their money in the next budget, I bet they will answer the questions.

Mr. SIKORSKI. We will get the answers. [Laughter and applause.]

I have been around the legislative process now—this is my 13th year; 6 years in the State Senate and 6 years, going on 7 years, in Congress.

When I came here in 1982, I was put on the Oversight Investigations Subcommittee of the Energy and Commerce Committee. That was Sam Rayburn's fiefdom. My chairman during that time has been John Dingell. He has taught me that the issue is not whether we are going to get answers to questions. The issue is whether we are going to get them clearly, with ease, with the least amount of discomfort to the parties involved, and quickly, as we should.

Now the topic of this morning's hearing is not only common knowledge and publicly discussed and debated, not only by representatives of the blind community, but by representatives of the State Department. In the public media, on radio—I have a transcript of a discussion by Mr. Vest, the head of the Foreign Service Office, on national public radio here. These questions are not new. As we know, they were raised as early as 1975. They were raised in the 1980s. They are raised in legal settings. They are raised in informal settings. So the answers shouldn't be that hard to come up with.

The fact of the matter is, the State Department hasn't lived up to its legal obligations under the Rehabilitation law; its legal obligations under the Foreign Service Act; its legal obligations undertaken in response to EEOC concerns and other complaints.

I am sure it is discomforting to the people here. And I am sure they don't want to be in the position where they look like they personally haven't been doing their work because I am sure they are fine people with tough jobs, doing as best as they can.

But the point is, the State Department isn't living up to its obligations in eliminating barriers to handicapped individuals, and specifically in these instances, to blind people. I find that disheartening and disappointing, and I am obligated to raise it in this kind of forum. I am going to insist that the State Department answer the questions.

The first question is: What has it done pursuant to the settlement in 1985 in the Galloway matter to live up to that agreement? That's the first question.

Mr. STOUT. Mr. Chairman, may we take these questions and give you a written reply?

Mr. SIKORSKI. Yes.

The second question is: What are the results of the 1987 ad hoc—what you call ad hoc; the EOC calls it a committee established to look at the medical applicability on a personal individual basis and make adjustments there.

I would like a written statement on the worldwide availability that establishes why that is applied in the blind situation on a somewhat academic basis—or theoretical basis—but doesn't look at the application for non-blind, non-handicapped people in actual practice.

And on that I think I can ask you a question which you may or may not have the knowledge of: Are there blind people in the Foreign Service today in active posts?

Mr. YUSPEH. We have legally blind individuals—two at the moment—who have self-identified themselves as being visually impaired.

Mr. SIKORSKI. And if they had applied now to work—one of them is the Ambassador to Kenya, is she not?

Mr. YUSPEH. I am not aware. I said of those who have self-identified themselves, sir.

Mr. SIKORSKI. Okay.

Now, if these blind people who are in active service today, were applying today, they would not be hired by the Foreign Service; is that correct?

Mr. YUSPEH. It would depend on the outcome of their exam process, sir, and individual review.

Mr. SIKORSKI. Where they don't have visual acuity—they don't have visual acuity.

Mr. YUSPEH. We did not exclude blind people from the Foreign Service, Mr. Chairman. What we did is we recognized the limitation providing one accommodation. As we have stated in our statement, sir, what we have done is we have determined that we could not provide readers for people overseas. That's all we did. We did not exclude blind people from serving in the Foreign Service.

Mr. SIKORSKI. I know you don't want to talk about the Rabby case but that's just what happened in the Rabby case. He passed the written exam three times; passed the oral exam twice. He has passed the security investigation. And the doctor simply told him he's out because of visual acuity.

Am I missing something here?

Mr. YUSPEH. Sir, I cannot comment on Mr. Rabby's case.

Mr. SIKORSKI. Okay.

Are you familiar with the Peace Corps, Mr. Stout?

Mr. STOUT. I have never worked with it myself or been in it. I know what it is, obviously.

Mr. SIKORSKI. The State Department works on an intimate basis with the Peace Corps.

Mr. STOUT. Of course.

Mr. SIKORSKI. They work together all over the world. The Peace Corps is kind of—what do they say? It's the hardest job you will ever love. It's as demanding, physically and culturally and emotionally, as the State Department job, a Foreign Service job; is it not?

Mr. STOUT. Yes.

Mr. SIKORSKI. And yet there are blind people who have served overseas in the Peace Corps. We know of blind people in other countries' Foreign Service. We know of blind people that are in the Foreign Service today who became blind, as I understand the facts, after they were in the Foreign Service, and they are subject to worldwide availability requirements, are they not?

Mr. YUSPEH. Mr. Chairman, are you asking us the Peace Corps——

Mr. SIKORSKI. No. Are there any Foreign Service Officers currently serving who are not subject today to the full breadth and parameters of worldwide availability?

Mr. STOUT. There are a number of people who are medically disqualified from going abroad.

Mr. SIKORSKI. Going abroad?

Mr. STOUT. Yes, and they are working the Department of State.

Mr. SIKORSKI. But not in the——

Mr. STOUT. Foreign Service Officers who are not medically qualified to go abroad.

Mr. SIKORSKI. Okay. The question becomes are the blind people that are in the Foreign Service subject to the same worldwide availability requirements as anyone else? These people that became blind in the Foreign Service?

Mr. STOUT. I'm sorry, we don't have that personal information.

Mr. SIKORSKI. That's another question.

Mr. STOUT. Exactly.

Mr. SIKORSKI. The question is: Has worldwide availability been in any way diminished, weakened?

Mr. STOUT. In theory, of course, these people are available, and should be available on a worldwide basis, but some——

Mr. SIKORSKI. Okay. Let me just say, then there's no reason for those people—then for blind people not to be treated the same as these blind people in the Foreign Service Office?

Mr. STOUT. Agreed.

Mr. SIKORSKI. But they are not.

You can't hold up worldwide availability as this magic guard-all screen to protect your unwillingness, refusal to admit blind people into the Foreign Service and at the same time, have blind——

Mr. STOUT. Mr. Chairman, there's a misconception here. For someone who enters the Foreign Service is automatically available for worldwide assignment.

Mr. SIKORSKI. By definition.

Mr. STOUT. That is for everyone, by definition.

Mr. SIKORSKI. By definition.

Then why do you hold up worldwide availability as an argument that blind people can't serve for the Foreign Service?

Mr. STOUT. I don't, myself, see it as an argument. That is, if a blind person comes into the Foreign Service——

Mr. SIKORSKI. Did you not in your statement hold up worldwide availability this morning as a rationale for the State Department's position?

Mr. STOUT. No.

Mr. SIKORSKI. Okay.

Mr. STOUT. I mentioned, Mr. Chairman, if I may——

Mr. SIKORSKI. I thought you quoted from it.

Mr. STOUT. I did, indeed. And I said this is in terms of reducing unrealistic expectations for disabled persons with functional losses that cannot reasonably be accommodated in the Foreign Service environment. Part of that environment is the worldwide availability. But that is not a unique matter—everyone has to be available worldwide.

Mr. SIKORSKI. That's the problem. I think what I see from this vantage point, and maybe my eyes aren't clear, maybe I don't see as well as some other people. But from this vantage point is that worldwide availability becomes the argument to hold out blind people from the Foreign Service.

Mr. STOUT. No, sir, this is just bringing to your attention that there is this specific provision.

Mr. SIKORSKI. Then it is no barrier?

Mr. STOUT. An additional barrier. It is a barrier—well, it's not a barrier, it's a requirement of the Foreign Service Act.

Mr. SIKORSKI. But there are Foreign Service Officers who are active today who are blind and are by definition worldwide available. Somehow, someone's got the idea that because someone's blind they can't be available worldwide.

Mr. STOUT. I certainly don't make that—I don't posit that statement, Mr. Chairman.

Mr. SIKORSKI. I think that's what your statement said this morning, and that's what Mr. Vest and others have said in defense of the State Department's position eliminating Mr. Rabby or any other blind person.

Mr. STOUT. We are in difficulty on this specific point because we don't know these two blind Foreign Service personnel. We have to identify them, see where they are, what they are doing. We will provide a written response—written comment.

Mr. SIKORSKI. On the general question of worldwide availability, it is a subjective classification, is it not? Suggests subjective determination.

Mr. STOUT. It's subjective in the broad sense. An awful lot of factors go into an assignment, as you know.

Mr. SIKORSKI. Someone's desire to serve?

Mr. STOUT. Of course, of course—and family and schools.

Mr. SIKORSKI. People won't go to the Soviet Union, for example, or they won't go to South Africa, or they won't go to France, or——

Mr. STOUT. Mr. Chairman, it's not a matter of people saying they will not go, because if there is a requirement for them to go, they will be assigned there.

Mr. SIKORSKI. People have input into that assignment.

Mr. STOUT. Of course.

Mr. SIKORSKI. And if you want a person to remain in the Foreign Service, and that person doesn't want to honor an assignment, that assignment will not be made?

Mr. Stout. Not necessarily, Mr. Chairman.

Mr. Sikorski. But it does occur?

Mr. Stout. Oh, yes, it does occur.

Mr. Sikorski. Quite frequently people's interest, their capacities are looked at. It is not a take X in Brazil and put into Moscow.

Mr. Stout. The person has to be qualified, of course.

Mr. Sikorski. You have to be qualified. So one part of the qualification is language—and not everyone speaks the hundred or so different languages that are spoken.

Mr. Stout. Right.

Mr. Sikorski. So that restricted worldwide availability.

Mr. Stout. Of course we do train people in languages also, particularly junior officers.

Mr. Sikorski. I understand that.

Mr. Stout. And, indeed, we encourage them to get as many languages as they can.

Mr. Sikorski. If someone is trained in Southeast Asian matters, that would be something that would affect how they are graded in terms of worldwide availability?

Mr. Stout. If we have gone into 10 months of training for an officer for the hard languages—that's a considerable investment. And we figure that over time the officer should use that language over a consistent period. But it doesn't mean that an officer who once has one of these difficult languages must serve for the rest of his career in that area of the world. On the contrary, it's wise to give a chance for people to move elsewhere and to do different things.

Mr. Sikorski. You and I both know Foreign Service Officers who won't go to certain countries for family reasons, for personal reasons, for a host of reasons. We know people that wouldn't be considered for placement in various countries based on an analysis of their talents and where they could best be used and they would run into problems in certain countries; isn't that correct?

Mr. Stout. Of course.

Mr. Sikorski. Now, where's the worldwide availability in that situation?

Mr. Stout. It becomes sometimes a matter of negotiation.

Mr. Sikorski. Okay. I think what we are just saying is maybe you should look at that negotiation process as it applies to blind people and handicapped people generally.

Mr. Stout. Of course.

Mr. Sikorski. I think you have promised to do that sometimes before but we don't see any track record on it. The most recent case was just presented here of a guy that gets washed out who from every—if your testing process means anything, this guy is very well qualified. If your security means anything, he's okay from a security standpoint. If the oral examination process means anything, he is very well qualified there.

Where he ran into problems is he happened to be blind. And we get the response, well, he's not worldwide availability. Not he specifically, because you don't want to talk about that specific issue, but he happens to be blind and he can't meet the visual acuity, or a person in his similar situation couldn't meet the visual acuity situation. So we are back to where we began this conversation.

Mr. Dymally. Mr. Chairman?

Mr. SIKORSKI. Congressman Dymally.

Mr. DYMALLY. Just one comment. I regret I have a conflicting meeting and I must leave. I simply wanted to state to Mr. Stout and Mr. Yuspeh that the inability to respond to some of the questions prompt me to suggest to you that I want to give you some notice that the Subcommittee on International Operations, in conjunction with this committee, is going to hold hearings on this matter sometime after the markup of the State Department bill late this spring. I hope by then you will have been prepared to respond to some of the questions which you are unable to answer today. And to just remind you that the Post Office Committee and the Foreign Affairs Committee, as you are well aware, wrote the Foreign Service Act of 1980. So there's a continuing interest on both these committees.

I am very pleased that the chairman has seen fit to hold these hearings because there is a problem here, obviously. Just the mere absence of any people with sight impairment in the Foreign Service suggests where there is smoke there is some fire, and we need to look at it. I hope that when we hold our hearings you would have some specific recommendations to correct this problem.

Mr. STOUT. I take your point, Mr. Chairman.

Mr. DYMALLY. Thank you very much, indeed.

Mr. SIKORSKI. Thank you. Thank you, Mr. Dymally.

The EEOC made two recommendations in its 1987 report, that the Department develop and implement medical standards that focus on functional requirements rather than medical conditions and allow flexibility in analysis of an applicability of requirements to specific jobs and posts. That's the first.

My question is: What has the Department done to develop and implement those medical standards? I would like that in writing.

Second, the second recommendation of the EEOC is that the Department broaden its interpretation of worldwide availability to allow flexibility in assigning individuals to a post that are appropriate to their qualifications.

I want to know what the Department has done on that, and why under that flexibility approach Mr. Rabby or someone who is blind cannot be admitted. That's the second question.

Mr. Stout, as a final question, the Department is interested, as I understand it, in having Congress provide an exemption from the Rehabilitation Act for the Department which would forever preclude handicapped individuals from entering the Foreign Service. Is this true?

Mr. STOUT. That's news to me, Mr. Chairman.

Mr. SIKORSKI. You are not aware of the Department requesting, or asking, or preparing a request of the Congress to exempt the Department of State or its Foreign Service, or any part thereof, from the Rehabilitation Act?

Mr. STOUT. No.

Mr. SIKORSKI. Thank you, all of you. I want to give you an opportunity, however, to make any concluding comments. Mr. Yuspeh? Mr. Stout? If you have any concluding comments, I suspect that we will get in a reasonable amount of time written answers to the questions that have been left unanswered.

Mr. STOUT. You will get the responses.

Mr. **Sikorski**. Okay.

Commissioner Kemp?

Mr. **Kemp**. I think this briefing is very, very important.

Mr. **Sikorski**. Before you leave, Mr. Stout, I want to thank you, so if you will hold with us a second.

Mr. **Stout**. Of course.

Mr. **Kemp**. I have been advocating for the rights of disabled people for over 20 years. Congress has talked about the Federal Government being a model employer. There have been hearings like this that occur when an agency really stubs its toe. But until Congress—I think in the appropriation hearings—really gets serious about this, the Federal Government is not going to be a model employer.

So I think that one suggestion from this briefing that I would like to see is that the appropriation committees be asked to really delve into this area.

Mr. **Sikorski**. You have made that recommendation, and I heard it the first time, the second time, and the third time, and I couldn't agree more. What we intend to do is provide the appropriations people in both the Senate and the House with copies of the transcript of this briefing this morning and ask them to insist, through the appropriate process, that appropriate changes be made.

We can keep having meetings like this and they can be about the blind in one instance, and they can be about another disability and another instance, but until the changes are made we are just going to have a lot of hearings, a lot of briefings, and a lot of meetings.

Mr. **Kemp**. Thank you very much.

Mr. **Sikorski**. Commissioner, thank you very much. Director and Coordinator, thank you very much for your assistance this morning. We will begin the second panel. We appreciate the opportunity to talk about this matter this morning. Thank you, Mr. Stout.

[The following materials were received for the record in response to written questions:]

United States Department of State

Washington, D.C. 20520

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Dear Mr. Chairman:

Enclosed are answers for the record to questions you asked at the member briefing on February 1 about the Department of State's policies with regards to blind applicants to the Foreign Service. Please let me know if you require additional information on this subject.

Sincerely,

Betsy R. Warren

Betsy R. Warren
Acting Assistant Secretary
Legislative Affairs

Enclosure:

Questions and Answers Regarding
the Blind and the Foreign Service

The Honorable
Gerry Sikorski,
Chairman, Subcommittee on Civil Service,
Committee on Post Office and Civil Service,
House of Representatives.

Question: What has the Department done to broaden its interpretation of worldwide availability to allow greater flexibility in assigning individuals to a post that are appropriate to their qualifications?

Answer:

Since 1985 the Department has employed a full time coordinator to establish programs for employment of persons with disabilities and to assist with policy development. Since then the Department has steadily improved its record for hiring and advancing employees with disabilities. Of specific note:

1. With particular regard to overseas assignments, the Department is reviewing pre-employment medical standards to tie them more closely to our ability to provide medical management overseas. At the same time, we are developing corresponding physical performance standards that will allow us more precisely to judge the degree of accommodation necessary and/or possible for candidates with a functional loss.

2. In each of the last four years, the Department has exceeded its hiring goals for severely disabled persons. These goals are established on EEOC guidelines, and are reviewed annually by the EEOC.

3. The Department has established a special recruitment and placement program for persons with disabilities whereby eligible candidates are considered for employment under non-competitive hiring procedures established by the Office of Personnel Management. A special recruitment brochure (attached), highlighting this program is used in recruitment efforts.

4. The Department provides special equipment to accommodate disabled employees through a central fund, in order to eliminate financial disincentives that might otherwise discourage offices from hiring a disabled candidate.

Question: What is worldwide availability, and how is it implemented?

Answer:

Section 101 (4) of the Foreign Service Act of 1980 (22 USC 3901) provides that "the members of the Foreign Service should be ... available to serve in assignments throughout the world". To meet this purpose of the law, Department of State regulations require that applicants undergo a medical examination "to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a worldwide basis." (Volume 3, Foreign Affairs Manual, Section 122.2-1(e)(2).)

The Department has interpreted worldwide availability to mean that a candidate for Foreign Service employment must be able to serve at a substantial majority of the approximately 270 posts overseas. Furthermore, there should be a strong expectation that the candidate will be able to serve (1) without requiring evacuation from post for medical reasons, and (2) without impairment or deterioration in health that would prevent or limit future overseas assignments.

Foreign Service employees must serve worldwide to carry out the mission of the Department of State. The Foreign Service is a relatively small entity -- approximately 10,000 persons. Collectively, these employees must conduct business in more than 50 different languages, at some 270 different posts. This makes critical each employee's ability to perform a wide variety of work in widely differing environments. Accordingly, the Department has generally denied medical clearance to applicants -- or their dependents -- where there is good reason to believe that they cannot serve on a worldwide basis overseas.

The Department will often retain employees who develop medical problems after being appointed to the Foreign Service. We will grant these employees limited medical clearance, and accommodate them in assignments accordingly, for medical conditions that would disqualify an applicant from hiring.

The Department's policy consistently recognizes a greater obligation to accommodate those who have already rendered service. In fact, the need to accommodate employees with service-acquired medical problems significantly constrains our ability to accommodate applicants with medical problems.

Moreover, experienced and skilled employees represent a considerable organizational investment. Accommodating them is both reasonable, appropriate, and a business necessity for reasons that do not apply for an applicant.

Question: Who are the two blind FS employees? Where are they? Are they world wide available?

Answer:

One is an FSO who lost her sight due to a virus contracted while working in a refugee camp in Manila. She is now receiving medical and rehabilitation services in the United States and is not cleared for service overseas.

The second person is a Foreign Service secretary who is legally blind due to a non-service related fall. She is working in Washington as a secretary using computer equipment modified with screen magnification capabilities. She is not world wide available but can be considered for assignment to posts in which her work environment can be similarly modified and where her equipment can be reasonably maintained and serviced.

Question: What were the results of the 1987 ad hoc committee ?

Answer:

The committee recommended the development of pre-employment medical standards based on medical management considerations and functional performance and safety requirements in the field. These recommendations were approved for further development and implementation by the Director General in March of 1987.

House of Representatives
Committee on Post Office
and Civil Service
Washington, DC 20515

TELEPHONE (202) 225-4054

February 27, 1989

The Honorable James A. Baker, III
Secretary
Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Mr. Secretary:

We are writing to express our deep concern and frustration over the Department of State's hiring policy regarding blind applicants to the position of Foreign Service Officer.

As exemplary employers, the Department of State and all other federal agencies and departments are subject to the requirements of the Rehabilitation Act of 1973, as amended. Modeled after the Civil Rights Act, the Rehabilitation Act extends statutory protection of basic human rights to qualified individuals with a handicapping condition. In particular, the Act prohibits federal agencies from discriminating against handicapped individuals in the hiring, placement, and advancement in employment of these individuals within the agency. Witnesses at a recent public briefing before the House Post Office and Civil Service Committee raised serious questions about the Foreign Service's compliance with the Act as it applies to blind individuals. Similar questions were raised in a December 15, 1988 letter directed to your office from several Senators.

Criticism of the Foreign Service's hiring policies is not new. Concerns about the Service's policies date back to 1975. In 1982, the Department was sued when a qualified blind applicant was denied entry into the Service based on his blindness. The case was settled in 1985 for an amount in excess of $160,000. The settlement agreement stated that the Department was committed to a policy of affirmative action with respect to the hiring, placement, and advancement of qualified handicapped individuals as mandated by the Rehabilitation Act. The Department also agreed to "develop and implement uniform methods by which qualified handicapped applicants for Foreign Service employment are afforded an opportunity to provide relevant information to the Department for its consideration when a review of the specific relationship between the applicant's medical status and Foreign Service employment is conducted."

In 1987, the United States Equal Employment Opportunity Commission (EEOC) completed an analysis of the Department of State's affirmative action programs for handicapped individuals. The study was highly critical of the Foreign Service and its failure to comply with either the Rehabilitation Act or the Foreign Service Act itself. The EEOC concluded that the Foreign Service's rigid medical standards "automatically exclude[d] virtually all handicapped people from admission into the Foreign Service." While the State Department provided braille copies of the written portion of the Foreign Service exam and permitted blind applicants to use readers, the EEOC found that the exclusionary medical standard requiring visual acuity subsequently excluded all blind applicants after having passed the arduous written and oral portions of the exam.

The EEOC study was also critical of the Department's "worldwide availability" policy, which similarly worked to automatically exclude handicapped individuals. The EEOC warned that the Department's contradictory policies that raise the false expectations of handicapped individuals hoping to enter the Foreign Service would subject the Department to discrimination complaints. The EEOC recommended that the "...system should be modified to comply with legislation and the EEOC directives."

In November of 1988, the Department issued a ruling prohibiting blind applicants from using readers or braille copies of the foreign service exam. Instead of correcting its policies to comply with the Rehabilitation Act, the Department adopted a policy that would forever close the Foreign Service to qualified blind individuals requiring the use of readers. In a guidance document issued shortly after the ruling was made public, the Department stated, "We decided it was unfair to offer the test to blind applicants and then refrain from hiring them because of their disability. We believe that changing our procedure brings our policy in line with our actual practices."

A discriminatory practice is no less discriminatory because a policy statement says otherwise. Discrimination is wrong in all its forms and discrimination against the handicapped is no less insidious because it is often veiled in paternalism and sympathy.

Commissioner Evan J. Kemp, Jr., of the United States Equal Employment Opportunity Commission, in his testimony before the Post Office and Civil Service Committee, criticized the State Department's recent ruling as sending the wrong message at the wrong time. The Department's policy refusing a blind applicant the right to take the exam in braille or with the use of a reader contradicts commitments made by President Bush in his State of the Union address. Speaking directly to disabled Americans, President Bush said: "To those 37 million Americans with some form of disability: you belong in the economic mainstream. We need your talents in America's workforce. Disabled Americans must become full partners in America's opportunity society."

Neither we nor the public are satisfied with the lack of response from the Department of State. We expect that the Department will reverse its recent ruling and allow blind applicants to use readers or braille copies of the exam. We also expect the Department to reexamine its application of worldwide availability with respect to qualified handicapped individuals to ensure that the requirement is applied with some flexibility as suggested by the EEOC report. Similarly, the Department must reexamine its medical standards and employment review committee to ensure that reasonable accommodations are made for qualified handicapped individuals who seek entry into the ranks of the Foreign Service as required by both the Rehabilitation Act and the Foreign Service Act itself.

In addition, several questions posed to State Department officials during the briefing were left unanswered with the assurance that Congress would receive a timely response. On February 23, 1989, the Foreign Service provided the attached response to some of these unanswered questions. Unfortunately, the response received has only deepened our concern and frustration. Instead of providing specific answers to all of the questions posed during the briefing, the Foreign Service provided general responses to only some of the questions raised.

The attached list of questions addresses our remaining concerns. This letter together with the forthcoming answers to the attached list of additional questions will be placed into the briefing record.

We request a response to our questions by March 15, 1989.

Sincerely,

Tom Harkin
TOM HARKIN
Chairman
Subcommittee on the
Handicapped, Senate
Committee on Labor
and Human Resources

Gerry Sikorski
GERRY SIKORSKI
Chairman
Subcommittee on Civil Service,
House Committee on Post Office
and Civil Service

Paul Simon

PAUL SIMON
Chairman
Subcommittee on Employment and Productivity, Senate Committee on Labor and Human Resources

Mervyn M. Dymally

MERVYN M. DYMALLY
Chairman
Subcommittee on International Operations, House Committee on Foreign Affairs

Tim Wirth

TIMOTHY E. WIRTH
United States Senator

Tom Campbell

TOM CAMPBELL
Member of Congress

ATTACHMENT

1. What specific actions has the State Department taken pursuant to its 1985 settlement agreement with Mr. Donald Galloway to satisfy the promises made in that agreement?

2. How many blind individuals have sought review by the employment review commission? Of the blind individuals who sought review, how many have entered the Foreign Service as a Foreign Service Officer?

3. What are the results of the Department's "ad hoc working group" which was established to review and revise the Department's medical standards? Please provide copies of any recommendations the group has made to date.

4. How is the Department's worldwide availability requirement applied in practice? Does the Department accommodate sighted individuals to account for individual talents or needs of the Officer?

5. Do other countries employ visually impaired individuals as Foreign Service Officers?

6. The Department has stated that it retains employees who become blind after entry into the Foreign Service. Are these individuals subject to worldwide availability?

United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

I am responding on behalf of the Secretary of State to the letter of February 27, in which you and other Members of Congress express concern regarding the Department's policy on hiring of blind applicants for the Foreign Service.

The Department agrees that there is a need for a reexamination of the Foreign Service pre-employment medical standards, and for an accompanying development of functional job requirements that will allow us to objectify the extent to which a physically disabled person can or cannot perform the duties of Foreign Service positions. When these findings have been generated on a job-by-job basis, we will be in a better position to determine whether an applicant with a given disability is capable of performing successfully in a sufficient proportion of overseas posts to meet the statutory definition of being available for worldwide service.

As noted in one of the attachments to our letter to you of February 23, the review of medical standards is underway. In fact, a new draft set of standards has been developed, which we expect to issue later this year after completion of necessary inter-agency reviews and employee bargaining agent consultations. Work is also in progress on functional requirements of Foreign Service positions overseas.

These two sets of standards will be used in tandem to ensure that Foreign Service hiring practices meet both our statutory obligation for worldwide availability, and our obligation to comply with the Vocational Rehabilitation Act.

Until those new standards are in place, however, the Department's hiring practices must rely on existing standards and ultimately on the information and judgments which those standards embody. Accordingly, the Department does not at this time regard totally blind persons as otherwise qualified individuals whose selection or employment as Foreign Service employees can be reasonably accommodated through the use of readers or the provision of information in braille. We can and do accommodate qualified blind applicants for Civil Service positions based in the United States.

The Honorable
Gerry Sikorski,
Chairman, Subcommittee on Civil Service,
Committee on Post Office and Civil Service,
House of Representatives.

It is possible that the revamping of hiring standards will lead to a change in this policy as applied to worldwide available Foreign Service employees, but the information currently available does not appear to warrant such a change now.

You also asked for additional specific information regarding answers to questions provided in attachments to our February 23 letter.

Your first question asked what actions the Department has taken pursuant to its settlement with Mr. Galloway in 1985. The Department's response to this particular question is contained in the list of activities we have undertaken to broaden our interpretation of worldwide availability (copy enclosed).

Your second question asked about the Employment Review Committee and the hiring of blind applicants. It appears that two blind individuals have been reviewed by the Committee; the Department has hired no totally blind persons as Foreign Service Officers.

A copy of previous responses to your third and fourth questions regarding the ad hoc working group and application of worldwide availability is provided. Your fourth question also asked whether the Department "accommodate[s] sighted individuals to account for individual talents or needs of the officer. In reply, the Department attempts, in all Foreign Service assignments, to find a good match between individual talents and management's needs. We also attempt to accommodate employees with service-acquired medical conditions or physical disabilities that limit their availability for worldwide service.

Your fifth question asked whether other countries employ visually impaired individuals as Foreign Service Officers. It is our understanding that Canada has at least one visually impaired diplomat in its service. The Department will seek additional information on this point.

Finally, our previous response is provided in answer to your sixth question about the two visually impaired persons now employed by the Foreign Service, neither of whom is presently serving overseas.

I hope that this letter provides the additional information and explication of the Department's policies that you and your colleagues are seeking.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosures:
Questions and Answers

Mr. SIKORSKI. Our final panel this morning consists of Mr. Marc Maurer, the President of the National Federation of the Blind; Ms. Heidi Sherman, who is a student of BLIND, Inc. and a student at the University of Minnesota, and Ms. Elizabeth Schuster, who is a graduate student of International Relations at the American University.

While we are making introductions, Cheryl DeSiena is counsel for the Human Resources Subcommittee, and because we're not organized let's call her counsel this morning. On my left is Judy Sanders, who is my district director—runs my Minnesota operation. She is here as my special adviser.

Ms. Heidi Sherman is our next panelist. She is a fellow Minnesotan—here in Washington to participate in the Federation's current seminar. She is a student of BLIND, Inc., which is Minnesota's new comprehensive training program for the adult blind. She is also a student at the University of Minnesota; is majoring in Russian area studies and German area studies. I know she has a plane to catch back to Minnesota so she can attend class and not get thrown out.

We are going to turn the microphone over to you, Heidi, for a few comments. Your statement will appear in the record as you have submitted it, and ask that you make your comments now.

STATEMENTS OF HEIDI SHERMAN, STUDENT OF BLIND, INC. AND A STUDENT AT THE UNIVERSITY OF MINNESOTA; MARC MAURER, PRESIDENT, NATIONAL FEDERATION OF THE BLIND, AND ELIZABETH SCHUSTER, GRADUATE STUDENT OF INTERNATIONAL RELATIONS AT THE AMERICAN UNIVERSITY, WASHINGTON, DC

Ms. SHERMAN. Mr. Chairman, two weeks ago I was informed that due to current State Department policy I would be denied employment in the Foreign Service. At first I was outraged because of another case of prejudice couched in terms of safety. I have always seen myself as qualified as any of my peers in my field. I have spent 10 months as a foreign exchange student in Austria, and last summer I spent 2 months in Zagreb, Yugoslavia conducting research.

Currently I am also enrolled in BLIND, Inc. in an orientation program. The students at BLIND, Inc. develop alternative techniques which we will be able to compete on an equal basis with our sighted peers. Through braille and independent cane travel I will be able to successfully handle any tasks encompassed in Foreign Service positions.

It is my responsibility, not that of my employer, to work out the techniques which I will use. The State Department's policy, as I see it, is one of overt prejudice. Any qualified blind individual is just as capable as any qualified sighted individual; yet, the sighted continually deny us equality due to the misconception that blindness and helplessness are synonymous.

I resent the discriminatory actions of the State Department which stem from ignorance and the true essence of blindness. The State Department has no knowledge and does not understand the alternative techniques that I will use to handle classified documents and travel independently in any foreign country. It is up to the blind individual and no one else to assess their own capabilities.

The United States prides itself in serving as the leader in the international struggle for human rights. American embassies every day around the world are packed with people hoping to procure an American visa and to visit "the land of the free." Yet, isn't it ironic that these same embassies are, for the American blind person seeking a position in the Foreign Service, enemy territory? I sometimes wonder whether the American Government is ashamed of its blind citizens.

To the State Department I would like to say, your policy of discrimination is hurtful to many, however, we the blind are able and accustomed to dealing with institutions such as yourself uneducated in the area of blindness. We will fight until this policy of discrimination is abolished, and then you shall see us representing the finest of our government in the Soviet Union, Zambia, Pakistan, Chile and China, and anywhere else in the world.

However, until that time you deprive yourself, the State Department, of working with qualified and capable individuals due to your outdated superstitions. As I see it, we must recognize and use each other's talents to the benefit of both the State Department's and ourselves. With this simple step towards the elimination of bigotry, we will also aid in the restoration of the reputation of the United States in the fight for human rights.

In the last few days, hundreds of blind people have come to speak to you of problems facing us as blind citizens. We have come with a voice united. We will settle for nothing less than first-class citizenship in the area of the State Department's and any other governmental matter.

Lastly, to the State Department I would like to say that I look forward to the day when we will address each other as colleagues.

[The statement of Ms. Sherman follows:]

STATEMENT OF HEIDI SHERMAN
BEFORE THE SUBCOMMITTEE ON HUMAN RESOURCES
COMMITTEE ON POST OFFICE AND CIVIL SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON D.C.
February 1, 1989

Mr. Chairman, my name is Heidi Sherman. I live at 2539 Lyndale Avenue South, Minneapolis, Minnesota, 55402. I would like to thank the chairman and the members of this committee for the opportunity to testify.

I am a sophomore enrolled at the University of Minnesota pursuing a double major in Russian and German area studies. I have spent ten months studying in Austria as a foreign exchange student, and last summer, two months in Zagreb, Yugoslavia, conducting research. It has been, for a long time, one of my goals to work in the Foreign Service. Two weeks ago, I was informed that due to current State Department policy, I would not be allowed to apply for the Foreign Service because I am blind. At first, I felt numb - until I learned of the State Department's grounds for refusing to hire the blind. Then, I was outraged - outraged at yet another case of prejudice couched in terms of safety.

The State Department denies me employment due to the following factors:

1. The use of readers is prohibited when classified material is concerned;
2. Under the Foreign Service Act, the officer must be "world wide available" - meaning the officer must be flexible enough to transfer to another country on short term notice;
3. For security reasons, an officer must change his or her route to work every day;
4. The officer must be able to read and assess visual cues.

Currently, I am also enrolled in an orientation program known as BLIND Incorporated (Blindness, Learning in New Dimensions). The students at BLIND Inc. and in similar programs throughout the country,
develop alternative techniques with which we can compete on an equal basis in the job market with our sighted peers. Through the use of braille and independent cane travel, I will be able to successfully handle all tasks encompassed in Foreign Service positions. It is my responsibility, and not that of my employer, to work out the techniques which I will use. I am honored to be associated with this Center, whose board of directors includes the Honorable Gerry Sikorski.

The State Department's policy is one of overt prejudice. Any qualified blind individual is just as capable as a qualified sighted individual. Yet, the sighted continually deny the blind equality because of the misconception that blindness and helplessness are synonymous.I resent the discriminatory actions of the State Department which result from ignorance of the true nature of blindness. They do not understand the alternative techniques that make it possible for me to handle classified material and travel independently in any foreign country. The blind individual is the only person who can make these judgments of his or her abilities.

The United States takes great pride in serving as the leader in the international struggle for human rights. Each day, American embassies around the world are packed wall to wall with people hoping to procure an American visa in order to travel to the "land of the free." Isn't it ironic that these same embassies are, for the American blind person seeking work in the Foreign Service, enemy territory?

I sometimes wonder whether the American government is ashamed of its blind citizens. To the State Department I would say, "Cast your shame not in our direction, cast it upon yourselves for your actions. Your policy of discrimination is hurtful to many, but you, the State Department, are the main injured party. We, the blind, are accustomed and able to deal with individuals and institutions such as yourself who are uneducated in the area of blindness. We, the blind, will fight until this discriminatory policy is changed, and then, you shall see us representing the best of our government in the Soviet Union, Zambia, Pakistan, Chile, China, or anywhere else in the world. However, until that time, you, the State Department, are depriving yourself the opportunity to work with qualified and capable individuals who happen to be blind, based on outdated superstitions."

We must fully recognize and use each other's talents for the benefit of both the State Department and ourselves. With this simple step towards elimination of bigotry in our own government, we will aid in the restoration of the reputation of the United States as the leader of the international community in the fight for human rights.

In the last few days, hundreds of blind people from all over the country have come to speak to you about problems facing us as blind citizens. We have come with a unified voice. We are willing to settle for nothing less than first-class status, whether dealing with the State Department or any other governmental concern.

And to the staff of the State Department, I look forward to the day when we can address each other as "colleague."

Mr. SIKORSKI. Marc Maurer has served as the President of the National Federation of the Blind since he was unanimously elected to that post in 1986. It means he does better than most of us. [Laughter.]

A member of the Bar of Maryland, Indiana, Ohio and Iowa, he currently specializes in civil litigation with an emphasis in business, equal employment opportunities, aviation, and civil rights.

I want to thank you for coming this morning and welcome the members of the Federation attending the briefing this morning.

Your testimony and any other materials you wish to submit will be placed in the record to be authorized when the committee organizes, and ask you to summarize your comments. Welcome.

STATEMENT OF MARC MAURER

Mr. MAURER. Thank you very much, Mr. Chairman.

I am Marc Maurer. I am President of the National Federation of the Blind. The National Federation of the Blind is a nationwide organization with over 50,000 members who have come together to take collective action to improve opportunities of the blind throughout our society.

The subject of concern before this committee is the policy of the United States Department of State not to employ blind persons in the Foreign Service. A few months ago the State Department was honest enough to say that—inasmuch as it was not going to hire blind people anyway—it would not offer its Foreign Service examination to the blind.

We think it is praiseworthy of the State Department to be honest. However, to claim that this blatantly discriminatory policy is both required by law and in the national interest seems to be the height of chicanery.

All blind people are excluded from the Foreign Service: those with extensive experience in international travel, those with facility in several languages, those with understanding of international relations, and those with superior ability to negotiate with people and handle personnel.

It has nothing whatsoever to do with legitimate job requirements. Blindness is the only reason that they are not allowed to serve our country with distinction. Mr. Rami Rabby has testified this morning. The circumstances of his exclusion from Foreign Service candidacy are so striking that they attracted national attention last fall. However, I would emphasize that Mr. Rabby's case is only one among many instances of blatant discrimination against the blind in the Foreign Service.

The actions taken regarding Mr. Rabby are inconsistent with our national policy that the handicapped should not face discrimination in hiring. Blindness is not a bar to competent service for our government. The State Department should not be permitted to make it become one.

In mid-November, Mr. Rabby was notified that the State Department had changed the testing conditions for the blind. Use of braille or the assistance of a sighted person to read the printed text would no longer be permitted. Apparently other blind candidates were also notified of this decision. Since that time, various representatives of the State Department have claimed that their new policy is not discriminatory.

This new policy, they say, does not exclude all blind people from taking the Foreign Service test. Their reasoning seems to go like this—and, as a matter of fact, I heard this reasoning this morning in this room—"we do not discriminate against the blind. However, candidates must be able to see to read our tests." And, these are the government officials who are protecting the safety of Americans abroad.

If similar logic were permitted outside the State Department, any employer could refuse to hire blind people and hope to get away with it. We are here today because we believe our government must uphold a standard of fairness, and this means that nondiscrimination laws apply to the State Department just as much as they do to any other agency of the United States.

By its action the State Department has said to all employers—government agencies or otherwise—that all blind people, no matter how well qualified, are not competent to perform jobs that are security-sensitive or in unfamiliar settings. Thousands of blind people already do jobs that require top security clearances. Some blind persons now working for the government do translation and decoding of sensitive national security and intelligence information. However, they do not work for the State Department.

And, on the subject of work and unfamiliar places, I ask you: How many jobs are there with which the employee is familiar beforehand?

If the State Department can do it, all of the jobs of all of the blind people who are working in unfamiliar locations or who are handling sensitive information are in immediate jeopardy. Should there be a double standard, one for the State Department and one for everybody else?

If the State Department is permitted to make these arguments stick, what job security will there be for the blind? No blind person anywhere can hope to avoid the twisted logic of the State Department. Every other employer will say, if it is good enough for the State Department, it's good enough for us.

Mr. Chairman, because the State Department has demonstrated such a firm determination to evade the clear intent of the law, we are asking for your help. The State Department should come to understand that the law applies to it as well as to other segments of our society; and that an exaggerated claim involving national security does not automatically put the decisions of the State Department beyond scrutiny.

The State Department must be brought to its senses. The blind have faced stereotypes, injustice, and inflexibility before. But we are not discouraged. All minorities face these manifestations of discrimination on their way to freedom. Recognizing them for what they are is the first step in eliminating the prejudice.

We have called these misdeeds by their true names, but we have also done something else. We have come to recognize our own abilities and we will insist that others see us as we are: capable human beings with the same talents and strengths possessed by others.

The State Department will have to come to terms with reality. We have contributions to make and we will fight for the right to make them.

Mr. Chairman, I want to thank you for permitting me to come here this morning and present information to the committee. And I want to congratulate you on an excellent hearing.

[The statement of Mr. Maurer follows:]

STATEMENT OF MARC MAURER
PRESIDENT OF THE NATIONAL FEDERATION OF THE BLIND
BEFORE THE SUBCOMMITTEE ON HUMAN RESOURCES
COMMITTEE ON POST OFFICE AND CIVIL SERVICE
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON D.C.
FEBRUARY 1, 1989

Mr. Chairman, I am Marc Maurer. I am the President of the National Federation of the Blind. My address is 1800 Johnson Street, Baltimore, Maryland 21230; telephone, (301) 659-9314. Thank you for giving me the opportunity to participate in this hearing today.

The subject of concern here is the policy of the United States Department of State not to employ blind persons in the service of our country abroad. We have known about and struggled with this policy for a long while. The National Federation of the Blind is an organization of over 50,000 blind people throughout the United States. Because we have this sizable nationwide membership, it is quite natural that exclusion of the blind from any field of employment becomes a problem for members of Federation. The National Federation of the Blind is truly the voice of the nation's blind. Therefore, we must speak out against the discriminatory practices of the State Department in denying the blind the opportunity to compete for and serve in overseas posts.

The three witnesses who will follow me are each interested in serving our country in foreign lands. Each of them has had extensive experience in international travel. Each of them also has facility in several languages besides English. Each is well qualified to represent the United States. Collectively, I doubt that you could find a group of candidates whose characteristics would make them more likely to succeed in the Foreign Service, but each of them is automatically or arbitrarily excluded. Their exclusion has nothing whatsoever to do with legitimate job requirements. I want to emphasize that point. Each of these people is well qualified to perform in our embassies. Blindness is the only reason that they are not allowed to serve. Were it not for that barrier (an artificial one erected by the State Department several years ago), these people would have the opportunity to compete for Foreign Service appointments. I have no doubt, Mr. Chairman, that each of them would pass the tests and represent our country with distinction.

Mr. Rami Rabby is with us on this panel. The circumstances of his exclusion from Foreign Service candidacy are so striking that they attracted national attention last fall. However, I would emphasize that Mr. Rabby's case is only one among many instances of blatant discrimination against the blind in the Foreign Service. Mr. Rabby will discuss the particulars of his situation. The Rami Rabby case is inconsistent with our national policy to increase opportunities for the disabled in our society. Blindness is not a bar to competent service for our government.

The United States of America is not universally respected among the nations of the world. Its representatives have sometimes been accused of insensitivity, obtuseness, and arrogance in their dealings with other nations. One would, therefore, presume that if an applicant for the Foreign Service came along who had graduated from Jesus College at Oxford University having done distinguished work in both French and Spanish, who had earned a Master of Business Administration degree from the University of Chicago, and who had spent the eighteen years since in personnel and management work, the State Department would be seriously interested. If that candidate was also fluent in Hebrew and had spent years living in Israel and Great Britain, and had traveled widely in Europe, South America, and the United States, he would seem to be even more attractive. If, finally, this candidate had passed all of the tests for the Foreign Service and had achieved a near perfect score in the final written exam, he would appear to be well nigh irresistible to the State Department's Director of Personnel. He should, that is, unless he happens to be blind.

Each year on the first Saturday in December, fifteen to twenty thousand hopefuls sit down to take the four hour long qualifying examination for would-be Foreign Service Officers. It tests one's knowledge of general geography, history, politics, and management, and one's mastery of the international situation today. Approximately 3,000 people survive this test with high enough scores to proceed to the next step of the qualifying process. So far there is certainly no requirement of the State Department that a blind person cannot perform. Many have successfully passed the qualifying examination--at least they did before the recent change in policy.

Those who pass the written examination (as Mr. Rabby has done twice) go on to an oral assessment. This is a day-long exercise consisting of five parts. A panel of interviewers questions the candidate about Foreign Service issues and situations. Then the applicant writes an essay chosen from among several suggested topics. This takes about an hour. Next the candidate reads a document of approximately 1,000 words and writes a summary of about 200 words. Then six candidates are thrown together and given a packet of information about a hypothetical American embassy. Facts are included about several people on the staff and about a situation in which they find themselves. The group then gathers with each person playing one of the parts. Based on what they have been told about the personalities and the situation, they negotiate the problem, while evaluators watch. The final test is called the in-basket exercise. The candidate goes through a series of memos, clippings, letters, and messages, telling the monitor what he or she would do with each.

As other blind people have done in past years, Mr. Rabby passed his oral assessment. In fact, he passed the oral assessment twice with a nearly perfect score the second time. Of the fifteen to twenty thousand applicants who begin the examination process each year, there are only about six hundred who survive the oral assessment. This test eliminates about twenty-four hundred. There is certainly nothing about the oral assessment that prevents success by a blind person. Mr. Rabby has demonstrated this beyond a reasonable doubt. Now Mr. Rabby is told that his past performance on all segments of the tests--written examinations and oral assessments--was not good enough. If Mr. Rabby could see, his performance would not only have been good enough--it would have been outstanding.

In mid-November, Mr. Rabby was notified that the testing conditions for blind people had been changed. Use of Braille or the assistance of a sighted person to read the printed text would not be permitted. Apparently the blind candidates who were scheduled to begin the application process by taking the written examination on the first Saturday of December were also notified of this decision. Elizabeth Schuster is one of them. Since that time various representatives of the State Department have claimed that their new policy is not discriminatory. This new policy (they say) does not exclude all blind people from taking the Foreign Service test. Their reasoning seems go like this: "We do not discriminate against the blind. However, candidates must be able to see to read our tests." And these are the government officials who are protecting the safety of Americans abroad. If similar logic were permitted outside the State Department, any employer could refuse to hire blind people and hope to get away with it. We are here today because we believe our government must uphold a standard of fairness and this means that affirmative action laws apply to the State Department just as much as to any other agency of the United States.

Mr. Rabby is a leader of the National Federation of the

Blind. He is not a man to take injustice quietly. The National Federation of the Blind will not remain idle while an agency of the federal government makes a virtue of breaking the law. By its action, the State Department has said to all employers (government agencies or otherwise) that all blind people (no matter how well qualified) are not competent to perform jobs that are security sensitive or in unfamiliar areas. Thousands of blind people already do jobs that require top security clearances. Some blind persons now at work for the government do translation and decoding of sensitive national security and intelligence information. However, they do not work for the State Department. And on the matter of work in an unfamiliar area, I ask you: How many jobs are there with which a person is familiar beforehand? If the State Department can do it, all of the jobs of all of the blind people who are working in unfamiliar locations or that deal with sensitive security areas are in immediate jeopardy. Should there be a double standard--one for the State Department, and one for everyone else? If the State Department is permitted to make these arguments stick, what job security will there be for the blind? No blind person anywhere can hope to avoid the twisted logic of the State Department. Every other employer will say: If it is good enough for the State Department, it's good enough for us.

There is ample evidence on the record before this subcommittee that the State Department has made up its mind. Unless some authority, such as a court or the Congress, overrules their decision not to test or hire the blind in the Foreign

Service, the policy of exclusion of the blind will continue.

But the policy is wrong. Mr. Rabby and the others who have previously passed the tests and become qualified are living proof that blind people can do the tasks required of Foreign Service Officers. If the tests are valid measures of qualifications (and we assume that they are) then the State Department should honor the results. Only a few years ago, when another blind candidate became qualified for appointment to the Foreign Service (but was refused a job), the National Federation of the Blind stepped in and helped with the filing and processing of an equal employment opportunity complaint. In the resolution of that complaint, the State Department pledged to take affirmative action in the future. The qualified candidate in question received a lump sum back payment of about $160,000. This represented the pay he should have received in the Foreign Service for the time he was not employed.

Now, Mr. Chairman, a federal agency that is truly convinced that its policies have been carried out in accordance with the law does not simply sit down and issue checks to those who never had the right to expect employment in the first place. The State Department's actions in denying employment to this previous applicant violated the law, and the State Department knew it. Rather than hiring the individual, they decided to pay him off. They also promised to hire the handicapped in the future--a promise they have failed to keep. This is not discrimination (they say); it's just that you have to be able to see.

Officials of the Foreign Service would like to have a legal ruling that national security requirements supersede our nation's concern for fair play in employment for the blind. They hope to persuade the Equal Employment Opportunity Commission that their knowledge of national security is sufficiently broad and that (for all intents and purposes) jurisdiction over such matters is not with the EEOC but with the State Department. Of course, they would never say it quite that way. However, the argument they make is that they are responsible for a part of our government which is of such great importance that other people--the uninformed laity--should not be permitted to meddle. Once the State Department has issued its decision, there should be no other avenue of challenge.

Mr. Chairman, because the State Department has demonstrated such a firm determination to evade the clear intent of the law, we have decided that the interests of the blind are better served by airing this matter before the Congress and asking for your help. We doubt that the law could be made any more straightforward. The State Department should come to understand this. The State Department has a regular authorization bill that the Congress must approve. There are also annual appropriations measures to be considered and passed. These and other vehicles could be used to help the State Department come to its senses. We hope to avoid the years of delay and the expenditure of tens of thousands of dollars which would be required to battle our way through the executive branch and the courts. But we will do what we have to do.

Myths and misconceptions, injustice and inflexibility: we have fought these every step of our way, but we are not discouraged. All minorities face these manifestations of discrimination on their way to freedom. Recognizing them for what they are is the first step toward overcoming them. We have called these myths, misconceptions, and misdeeds, by their true names, but we have also done something else. We have come to recognize our own abilities, and we will insist that others see us as we are--capable human beings with the same talents and strengths possessed by others. The State Department will have to come to terms with reality. We are simply no longer willing to be second-class citizens. We have contributions to make, and we will fight for the right to make them. We will persist, and we will prevail. Mr. Chairman, on behalf of the National Federation of the Blind, I thank you.

Mr. **Sikorski**. Thank you very much, Mr. Maurer.

Our next panelist is Ms. Elizabeth Schuster, who is a graduate student of International Relations at the American University here in Washington, D.C., here to tell us about her recent attempts to take the December 1988 Foreign Service exam.

Again, Ms. Schuster, welcome.

STATEMENT OF ELIZABETH SCHUSTER

Ms. **Schuster**. Thank you, Mr. Chairman, and thank you for all of you who have taken the time and effort to come to this hearing.

I would like to tell you a little background about myself and then about the process of my application for the exam and the results.

All of my life I have been very interested in international affairs. In my family we had many international visitors. When I was 16, after I had finished high school, I spent an exchange year in Switzerland where I learned French, German, Italian, and did a lot of other exciting things. After that I attended college and subsequently finished one master's degree in journalism. As the chairman has said, I am now working on my second master's studying international relations focusing on the Soviet Union and international communications.

My future goal is to work either with government or in the humanitarian sector with international communications in some way.

Consequently my interests have led me to want to take this Foreign Service exam. I went through the normal application procedures and received an admission ticket. However, although I had sent a letter with my application requesting special conditions as a legally blind person, there was no special indication of that on the ticket. "So I called back and was told: We will get back to you in about a week and we will let you know." In about a week or two weeks, perhaps, I called back. I was talking with Marlene Freeman, who was one of the secretaries, and she said, that she was sorry, "we've had this new ruling which does not allow either readers or braille."

I was very surprised. I said, what about cassette? She didn't know how to answer that so she referred me to her superior, Paul Canney, who told me that cassette was also not one of the options.

I talked with him for some time and he in turn referred me to Mr. Yuspeh, who called me back the next day—this was in late November—and explained a similar line of argument to what we've heard this morning.

One interesting statement that he did make to me in terms of functional independence of the blind was: "Would you like to be on a bus that has a driver that has to have someone standing beside the driver and say, turn left, turn right, do this, do that?"

I was, needless to say, very surprised. However, I——

Mr. **Sikorski**. Who said this?

Ms. **Schuster**. It was Mr. Yuspeh on the telephone in a late November conversation. It's in the statement I've prepared.

I was very surprised to hear this, as I said. As a result of realizing that reading the exam with a magnifying glass letter by letter would take slightly longer than the time allowed us, I chose not to take the exam.

After this decision, I again contacted Mr. Canney and requested a letter of explanation, which I in due process received.

In conclusion, at this point I feel barred from one of the ambitions of my life, which is working with Foreign Service, work abroad, work not as a quote, "handicapped person," but as an American citizen who longs to serve her country.

I have been accepted by the Peace Corps and I plan to enter this summer or possibly next year as an English teacher. I am very much looking forward to this chance of being in an unfamiliar environment, teaching English—an unfamiliar language to some people.

I hope that this decision will be reconsidered, not only for myself but for other blind people—all of us who would like to take the exam and stand a competitive chance of entering the Foreign Service. I know that entering the Foreign Service is an extremely competitive process, not only for the blind but also for the sighted. But I think that we deserve as much of a chance as anyone else.

I thank you for your time and attention today.

[The statement of Ms. Schuster follows:]

Statement of Elizabeth L. Schuster

Before the Subcommittee on Human Resources

Committee on Post Office and Civil Service

U.S. House of Representatives

Washington, D.C.

February 1, 1989

Elizabeth L. Schuster
American University
211 Nebraska Hall
Washington, D.C. 20016

My name is Elizabeth Schuster. I am pleased to take part in the subcommittee hearing and thank you for your concern about the issue of blind people taking the Foreign Service exam.

The Foreign Service has been a long standing interest for me. Since my child hood I have had exposure through my family to numerous international visitors. After graduating from high school at age 16 I went to Switzerland for one year as an exchange student. Besides learning German and Italian there, and also perfecting my French, my time abroad opened my mind to different ways of thought. Subsequently, I completed a double major of French and communications in three years with a grade point average of 3.95. Then I received my first Masters Degree in journalism from Ohio State University. At present, I am beginning my second Masters Degree in International Relations at American University, focusing on international communications and Soviet studies.

- Following graduation, I plan to join the Peace Corps, where I have been accepted as an English teacher. When I have finished this two year term of service, I would like to pursue a career in International Communication, either with the Government or in the humanitarian sector.

My studies and interests lead me to want to take the foreign service exam. I applied in September in the usual way and received a ticket of admission in due time. Along with my application, I sent a letter stating that I would need special testing conditions as a legally blind participant. I had no reason to believe that these would be denied me, since I knew that in years past they had been allowed. On my ticket of admission, however, nothing was written concerning the need I had stated. Therefore, in November, I called to inquire. A few weeks and a few telephone calls later, just after Thanksgiving, I received a surprising answer from Marlene Freeman of the testing board. I was told that the blind as of this year could not use readers, brail, or cassette in taking the foreign service exam. According to Freeman, the letter stating my special need had never been received by the testing board. When I asked questions, Freeman referred me to Paul Canney. I explained the situation to him, and he listened attentively. He then referred me to Sheldon Yuspeh of the State Department, who returned my call the next day (late November). Yuspeh related similar justifications for the policy to what Canney had already said. However, he also included this analogy, "Would you like to ride a bus where someone was standing beside the driver having to tell him turn left, turn right, do this, do that"? This was supposedly regarding the fact that the blind would need special helpers in foreign service work.

The State Department strongly affirms that I could still take the test if I wanted to, but with no aids other than mechanical ones which I would have to use myself and a person provided by them to mark down my answers. Though familiar with the Optican, I also note that this machine can only read slowly, and with a magnifying glass I can only read one letter at a time. Therefore taking the exam independently would not have been infeasible in the time and a half allotted to me.

As a result, I did not take the exam in December. This State Department decision has made me feel arbitrarilly excluded from the chance to enter the foreign service. It is my hope that this decision will be reconsidered and changed, not only for myself, but for the many blind citizens of the United States who have the potential to serve our country, and to make contributions to the mission of the State Department overseas. Mr. Chairman, I thank you for allowing me to explain the circumstances, I have experienced in attempting to qualify for the Foreign Service. I believe that the action of the State Department has blocked me from aspiring to a career in Foreign Service. My blindness is the only reason. This action constitutes discrimination against me and against all other blind persons in our contry. This action is wrong. Mr. Chairman, I would urge you and the other members of Congress to help us resolve this situation so that I and my fellow blind may serve our country with honor and pride.

Mr. SIKORSKI. Elizabeth, thank you.

I have asked Mr. Rabby to join us at the panel and do some cleanup here.

Mr. MAURER. Mr. Chairman?

Mr. SIKORSKI. Yes, Mr. Maurer?

Mr. MAURER. As I was sitting here listening to Mr. Stout this morning, he described the circumstances for taking the examination and he said that one person, after being offered the opportunity to go and read the test personally, had determined not to take it. I wondered who the person was. I now discover that there are two people in this room, and consequently, it is the same logic that I have found from the State Department before. Apparently Ms. Schuster was there and apparently she decided not to take it, but Mr. Rabby was told not to come. So perhaps there were two who chose not to take it under those circumstances.

I don't know how you would say it, but it does seem to me that sometimes the statements get stretched somewhat in this room.

Mr. SIKORSKI. Not mine.

Mr. MAURER. No, no, Mr. Chairman, I didn't mean that. [Laughter.]

Mr. SIKORSKI. Take that and the rest of it, that's not uncommon for this vocation.

Marc, on the issue of classified information, do you have any reason to believe that blind people will be less protective of national secrets, classified information, than sighted people?

Mr. MAURER. No, Mr. Chairman, I have no reason to believe that.

I have had, not a top security clearance, but a security clearance from the Government of the United States when I was employed in the Office of the General Counsel at the Civil Aeronautics Board. I have practiced law for sometime and handling confidential documents has been part of the bread and butter of the practice.

I understand that some people are concerned about being able to recognize anomalies such as whether or not a signature might be valid. If you are intending to introduce a document with a signature on it, and there's any question about the validity of the signature and you are in a court of the United States , you are advised that you had better get a handwriting expert to tell you about the validity of the signature.

I suppose that being able to see it might help somewhat, but the testimony of somebody who looks at it is not as valuable—at least the lawyers believe—as the testimony of a handwriting expert. Consequently, it does seem to me that both the ability of a human being to handle security documents—however they may appear—and the likelihood that they would handle them with discretion and propriety is as great for the blind as it is for any other group.

Mr. SIKORSKI. Thank you.

Ms. Schuster, about how many words a minute can a sighted person read?

Ms. SCHUSTER. A college graduate usually reads, I believe, 300 to 400 words a minute.

Mr. SIKORSKI. About how many words a minute can a blind person read with an Optacon—one of the mechanical devices that's open to an applicant taking the test?

Ms. SCHUSTER. There are different estimates but it's certainly not in excess of 100 words a minute, which is slower than one speaks.

Mr. SIKORSKI. Do you know what percentage of blind people in this country use Optacons?

Ms. SCHUSTER. That I don't know. It's probably quite a low percentage because it's a very expensive and hi-tech machine.

Mr. SIKORSKI. The other one is—what's that called?

Ms. SCHUSTER. Kurzweil Reader machine.

Mr. SIKORSKI. Kurzweil. And that's an expensive, bulky machine?

Ms. SCHUSTER. Yes.

Mr. SIKORSKI. As I understand, that one translates from writing to voice?

Ms. SCHUSTER. Yes.

Mr. SIKORSKI. And the Optacon translates from writing to a pen prick kind of writing?

Ms. SCHUSTER. Right.

Mr. SIKORSKI. Both of them are bulky or expensive and would be very difficult to utilize in a testing situation.

Has anyone figured out why it would be appropriate for a blind person taking the Foreign Service test to not have a reader but to have a marker? [Laughter.]

I ask that because, as I understand, the testimony is that readers can't be provided willy-nilly on the job, and we want to make the test to be as close to an equivalency of the job, so we are not going to allow readers anymore but we will allow markers.

Mr. MAURER. It may be, Mr. Chairman, that the——

Mr. SIKORSKI. Did I miss something or am I on line on that one?

Mr. RABBY. Mr. Chairman, I think you are absolutely on line. It's something which puzzles me. I am sure it puzzles everyone in this room. But I at least have learned over the past few months, at least, that some of these State Department arguments are just unfathomable.

Mr. SIKORSKI. You sound like a diplomat. [Laughter and applause.]

Heidi, have you thought about changing your career plans now that the State Department has made it virtually impossible to take the exam?

Ms. SHERMAN. No, I have never thought—and I do not intend to change my career plans because I do expect that the policy will be changed.

Mr. SIKORSKI. If you were selected in the Foreign Service, what kind of difficulties do you expect to encounter as a blind person abroad? You have been abroad, you commented in your opening statement. I just want to highlight that again.

Ms. SHERMAN. Is that directed towards me?

Mr. SIKORSKI. Yes, it is directed to you.

Ms. SHERMAN. In the past when I have traveled abroad I have never experienced any problems which any normal sighted person would encounter. No, I don't encounter any problems because I feel that I will be trained enough to handle it.

Mr. SIKORSKI. We've heard about worldwide availability. We've heard about the need for reader assistance, and that's just unlike what the job involves. We've heard about security and personal safety issues. We've heard about unfamiliar settings and unfamiliar cultures. We've heard about visual cues and indicators being missed by blind people.

It seems to me that blind people can be just as available worldwide as anyone that's currently in the Foreign Service Office functioning today. We have Foreign Service people who are blind who are working under the definition of worldwide availability. Other countries have Foreign Service Officers who are blind, and I'm sure it applies to other disabled people as well, that there are disabilities and there are things that prevent people from functioning in a job, and they are not automatically the same. In fact, in many cases they are not the same as all. We have blind people that can be available worldwide—as readily available worldwide as people currently in the Foreign Service.

We have blind people that are just as trustworthy and just as protective of national security as sighted people. Blind people can fend for themselves anywhere in the world today, and they do so.

There are blind people, as Mr. Rabby, I think, pointed out, living in all parts of the world today and don't have anymore difficulties than sighted people.

We have blind people in the Peace Corps, which is probably—and it's my opinion—is much more demanding than Foreign Service, and for a lot less pay.

We have blind people who are no less capable—and probably more capable—of dealing with unfamiliar settings, unfamiliar cultures, and unfamiliar ways of life.

We have blind people that are more than capable of picking up on non-visual communication. People doing it here today, with people doing it every day throughout America and throughout the world.

We have heard the State Department this morning tiptoe around the issues raised—their reasons. I think we have to appreciate the delicate circumstances that career people are put into when they come up to answer these questions that they really don't have very good answers for.

I wanted to be respectful of both Mr. Stout and Mr. Yuspeh and the State Department's position—and will be. If they are wrong, they are wrong; and I believe they are wrong in this instance. These issues are not new. They have been raised now for over a decade and it's only reasonable to expect that we would get full answers, and a full defense of this position, or changes, or promises to do the changing. We have received neither this morning.

Today, as I said before, blind individuals are serving in the Foreign Service, serving in the Foreign Service of other countries. There are blind individuals decoding sensitive national security information and serve worldwide as volunteers in the Peace Corps.

I am deeply concerned about what I've heard this morning, even more concerned about what I have not heard. We were not told why agreements reached in the past, and commitments made, were never complied with.

We have heard from several articulate blind people who wish to work in the Foreign Service, and we've heard rationalizations from the State Department in response. I, for one, know little more than what I did at the beginning of this briefing this morning. I do know that it's the beginning of finding the solution. I believe that the

American taxpayers have a right to know and expect that their tax dollars will not be spent on discriminatory programs.

I and my committee, along with Mr. Dymally, will see to it that the qualified people, regardless of the visual acuity, will have the same chances to fail and to succeed as any other applicants in the Foreign Service .

I want to say that this Nation was founded and washed and nurtured in the blood of human rights. Wherever you go abroad, our embassies stand as a monument to human rights, to freedom, and to justice. We stand for something special in this country about human dignity.

We lecture other countries freely. We have Foreign Service Officers around the world—human rights officers—who spend their time lecturing other countries, cajoling them, pushing them, pinching them, and kidding them, and asking them, and pleading with them to adjust their policies on human rights, human justice, on freedom, on democratic ways of life.

It's just inconceivable to me, it's wrong, it's cruel, and it's inefficient for us, then, to bar the door of the Foreign Service Office to people that have a visual problem or disability, for people that have other handicaps or disabilities, from serving, where they could do—as Congressman Campbell pointed out earlier—do so much good, absolute good just by being there.

I know my district director, who started in my office, I think on the lowest rung and is now serving in the highest rung, walking over people all the way, I might add. [Laughter.]

Not true, not true—is more than capable in serving in a congressional district, in a State where it's not always easy physically to get around in the middle of winter, in the cold, frigid Januarys, snowy Januarys; to get around physically in the summer, hot, humid days.

She has more than gone into territories and convinced people that what we do as a congressional office is worthy of their knowledge and support. She has dealt with every kind of person, from the most dispossessed and difficult person with an incredible problem with the Federal Government—no money, no home, no family support, they don't know where to turn. She has handled them.

She has dealt with the chief executive officers of the largest corporations in this country, and she can handle everything in between.

We just know that to bar the doors of the Foreign Service Office to people with these talents, and these resources that God has given them, simply because of old biases and old prejudices, contrary to American law, is wrong; and we are going to change that.

Thank you all for coming.

[Whereupon, at 11:35 a.m., the committee was adjourned.]

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